

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 830

(Senator Forehand)

Judicial Proceedings

Judiciary

**Criminal Procedure - Criminal Injuries Compensation Board - Child Abuse
Victims**

This bill alters the date by which, in a case of child abuse, a claimant may file a claim with the Criminal Injuries Compensation Board (CICB). Specifically, in a case of child abuse, the deadline for filing a claim is changed to the date the child who was the subject of abuse reaches the age of 25 or, if CICB determines that there was good cause for failure to file a claim by that date, at any time. Current law requires the claim to be made within three years after the claimant knew or should have known of the abuse.

Fiscal Summary

State Effect: Minimal. Any additional awards resulting from the bill are anticipated to be minimal and absorbable with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The Criminal Injuries Compensation Fund (CICF) is a special fund that provides financial assistance for innocent victims of crime. CICB may compensate victims who suffer physical or psychological injury for their medical expenses and loss of earnings but only if the injury is a direct result of a criminal or delinquent offense. In cases of homicide, the board may assist with funeral expenses and loss of support on the part of the victim's dependents. A claimant seeking compensation from CICF must file a claim no later than three years after the occurrence of the crime or

delinquent act or the death of the victim. In a case of child abuse, a claimant may file a claim up to three years after the claimant knew or should have known of the abuse. A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award.

Awards may be made for lost wages, medical expenses, counseling, crime scene clean-up, and funeral expenses for victims of homicide. Grants may not exceed \$45,000, including any subsequent and supplemental awards, with the exception of victims suffering permanent total disability. After a disability-related claim of \$25,000 has been awarded to the victim, if the injury to the victim resulted in permanent total disability, the victim may request an additional award of up to \$25,000. Funding for these grants is provided by CICF from fees assessed by circuit and District courts. CICF is also supplemented by federal funds. Funding for grant awards made from CICF to victims of crime totals \$4.0 million in the Governor's proposed fiscal 2015 State budget.

Eligible claims received by CICB declined for the fourth consecutive year, falling most recently by 6% to 1,420 claims received in fiscal 2013. This reflects a 17.5% reduction from the most recent peak of over 1,700 claims received in fiscal 2009. Nearly 90% of the claims received in fiscal 2013 were deemed eligible.

CICB attempts to have 70% of eligible claims resolved within 180 days of determining eligibility. After meeting this target for the first time in a decade in fiscal 2011, the agency suffered a setback in fiscal 2012, with only 53% of eligible claims resolved within the given timeframe. Productivity improved again in fiscal 2013, when 78% of claims were resolved within 180 days. The average number of days to process a claim was significantly reduced from 177 to 122 days between fiscal 2012 and 2013.

State Expenditures: Any potential fiscal impact to CICF is projected to be minimal. For the last three fiscal years, CICB had only two claims that would have been made eligible under the bill. One of those claims involved medical expenses of less than \$1,000. The other could have potentially resulted in an award for counseling of up to \$5,000.

CICB does not currently have a backlog in claims eligible for award. The agency had a \$2.6 million federal fund balance at the end of fiscal 2013.

Additional Information

Prior Introductions: None.

Cross File: HB 1244 (Delegates Waldstreicher and Valderrama) - Judiciary.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2014
ncs/lgc

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510