

SENATE BILL 561

E2

7lr2732

By: **Senators Brochin, Cassilly, and Ready**

Introduced and read first time: February 1, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Criminal Injuries Compensation Board – Ineligibility**

3 FOR the purpose of providing that a person is not eligible for an award from the Criminal
4 Injuries Compensation Board if, within a certain amount of time before requesting
5 an award, the person has been convicted of a certain crime of violence, burglary, or
6 an attempt to commit burglary; and generally relating to the Criminal Injuries
7 Compensation Board.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Procedure

10 Section 11–808

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2016 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 11–808.

17 (a) (1) Except as provided in paragraph (2) of this subsection, the following
18 persons are eligible for awards in the manner provided under this subtitle:

19 (i) a victim;

20 (ii) a dependent of a victim who died as a direct result of:

21 1. a crime or delinquent act;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. trying to prevent a crime or delinquent act or an attempted
2 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
3 person who had committed a crime or delinquent act in the victim's presence or had
4 committed a felony or a delinquent act that would be considered a felony if committed by
5 an adult; or

6 3. helping a law enforcement officer perform the officer's
7 duties or helping a member of a fire department who is obstructed from performing the
8 member's duties;

9 (iii) any person who paid or assumed responsibility for the funeral
10 expenses of a victim who died as a direct result of:

11 1. a crime or delinquent act;

12 2. trying to prevent a crime or delinquent act or an attempted
13 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
14 person who had committed a crime or delinquent act in the victim's presence or had
15 committed a felony; or

16 3. helping a law enforcement officer perform the officer's
17 duties or helping a member of a fire department who is obstructed from performing the
18 member's duties; and

19 (iv) 1. a parent, child, or spouse of a victim who resides with the
20 victim; or

21 2. a parent, child, or spouse of an individual who is
22 incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior to
23 incarceration:

24 A. resided with the parent, child, or spouse; and

25 B. provided financial support to the parent, child, or spouse.

26 (2) **[A] THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN AWARD**
27 **UNDER THIS SUBTITLE:**

28 **(I)** A person who commits the crime or delinquent act that is the
29 basis of a claim, or an accomplice of the person, is not eligible to receive an award with
30 respect to the claim; **AND**

31 **(II)** **A PERSON WHO, WITHIN 10 YEARS BEFORE REQUESTING AN**
32 **AWARD, HAS BEEN CONVICTED OF:**

1 **1. A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101**
2 **OF THE CRIMINAL LAW ARTICLE; OR**

3 **2. BURGLARY OR AN ATTEMPT TO COMMIT BURGLARY.**

4 (b) A resident of the State is eligible for an award under this subtitle if the
5 resident becomes a victim in another state other than this State that:

6 (1) does not operate a criminal injuries compensation program;

7 (2) operates a criminal injuries compensation program for which the victim
8 is ineligible; or

9 (3) operates a criminal injuries compensation program for which money
10 has not been appropriated or made available.

11 (c) (1) A person eligible to receive an award under subsection (a) or (b) of this
12 section may file a claim under this subtitle.

13 (2) If a person eligible to receive an award is under 18 years of age, the
14 person's parent or guardian may file a claim under this subtitle.

15 (3) If a person eligible to receive an award is mentally incompetent, the
16 person's guardian or other person authorized to administer the person's estate may file the
17 claim on the person's behalf.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2017.