

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 295
Judiciary

(Delegate Kramer)

Judicial Proceedings

Criminal Procedure - Criminal Injuries Compensation Board - Impaired Boating

This bill establishes that a victim of a violation of § 8-738 of the Natural Resources Article (operating a vessel while under the influence of alcohol or impaired by alcohol or drugs) is eligible for financial assistance for victims of crime through the Criminal Injuries Compensation Board (CICB).

The bill must be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any final decision by the Secretary of Public Safety and Correctional Services, for which the time for appeal of the decision has expired, made before the bill's October 1, 2017 effective date.

Fiscal Summary

State Effect: Minimal increase in special fund expenditures from the Criminal Injuries Compensation Fund (CICF) from payments of claims eligible as a result of the bill. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: CICF, which is within the Department of Public Safety and Correctional Services, 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. Funding for grant awards made from CICF to victims of crime totals \$4.15 million in the Governor's proposed fiscal 2018 budget.

Grants may not exceed \$45,000, including any subsequent and supplemental awards, with the exception of victims suffering permanent total disability. If a disability-related claim of \$25,000 has been awarded to the victim and 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 paid for by CICF from fees assessed by circuit courts and the District Court. CICF is also supplemented by federal funds. After a period of receiving a declining number of claims each year, CICB has seen the number of eligible claims rise in fiscal 2014, 2015, and 2016.

The definition of "crime" for purposes of eligibility for CICF awards excludes an act involving the operation of a vessel or motor vehicle unless the act is a violation of specified statutory provisions.

State Expenditures: According to the Judiciary, there were four violations of § 8-738(a)(1) of the Natural Resources Article filed in the District Court during fiscal 2016. CICB advises that it was able to find one claim from a victim of impaired boating during the past four years. CICB expects to receive one claim every five years as a result of the bill. The maximum permissible amount per claim is \$45,000 (assuming none of the claims involves total disability). Assuming that this represents the volume of potential claims filed with CICB, special fund expenditures increase minimally as a result of the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Department of Natural Resources; Department of Public Safety and Correctional Services; Department of Legislative Services

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