

HOUSE BILL 968

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9lr2325
CF SB 672

By: **Delegates W. Fisher, J. Lewis, Crosby, Crutchfield, D.E. Davis, M. Fisher, Jackson, Kelly, Malone, Moon, Turner, and Valentino-Smith**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Board – Compensation to Claimants**

3 FOR the purpose of altering the maximum amounts of certain compensation awardable by
4 the Criminal Injuries Compensation Board; authorizing the Board to negotiate a
5 settlement with a certain person that has provided certain funeral or death-related
6 services; altering the time within which a claimant is required to file a claim for
7 compensation from the Board; authorizing a claimant to file a claim with the Board
8 electronically in a certain manner; prohibiting certain persons from engaging in
9 certain debt collection activities under certain circumstances; requiring a court to
10 stay all proceedings in a certain action under certain circumstances; authorizing a
11 certain person that receives a certain notice to notify the Board in writing of a certain
12 debt that is owed by a certain claimant; requiring the Board to notify a certain person
13 in writing when a final decision is made on a claim under certain circumstances;
14 authorizing a certain person to engage in certain debt collection activities or file a
15 civil action under certain circumstances until the occurrence of a certain event;
16 altering a certain definition; making certain stylistic changes; correcting an
17 erroneous reference; providing for the application of certain provisions of this Act;
18 providing for a delayed effective date; and generally relating to compensation to
19 claimants by the Criminal Injuries Compensation Board.

20 BY repealing and reenacting, with amendments,

21 Article – Criminal Procedure

22 Section 11-809(a), (b)(1), (c)(1), (2), (3), (5), and (6), 11-811(a)(4), (b)(3) and (6), and
23 (e), and 11-813(b)(1)

24 Annotated Code of Maryland

25 (2018 Replacement Volume)

26 BY repealing and reenacting, without amendments,

27 Article – Criminal Procedure

28 Section 11-811(a)(5) and (6) and 11-813(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2018 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Criminal Procedure**

6 11–811.

7 (a) (4) An award for funeral expenses may not exceed ~~[\$5,000]~~ **\$7,500**.

8 (5) Subject to the limitation under subsection (b)(3) of this section and §
9 11–812 of this subtitle, a person who is eligible for an award as the result of the death of a
10 victim or psychological injury may be eligible, under the regulations that the Board adopts,
11 to receive psychiatric, psychological, or mental health counseling.

12 (6) Subject to the limitation under subsection (b)(6) of this section and §
13 11–812 of this subtitle, a parent, child, or spouse of a victim who resides with the victim
14 and who is eligible for an award as the result of the injury of a victim is eligible to receive
15 psychiatric, psychological, or mental health counseling.

16 (b) Compensation awarded under this subtitle may not exceed:

17 (3) ~~[\$5,000]~~ **\$10,000** for each claimant for psychiatric, psychological, or
18 mental health counseling under subsection ~~[(a)(4)]~~ **(A)(5)** of this section;

19 (6) for an award for psychiatric, psychological, or mental health counseling
20 made under subsection (a)(6) of this section:

21 (i) ~~[\$1,000]~~ **\$10,000** for each claimant; and

22 (ii) ~~[\$5,000]~~ **\$20,000** for each incident; or

23 (e) The Board may negotiate a settlement with:

24 **(1)** a health care provider for the medical and medically related expenses;

25 **OR**

26 **(2)** **A PERSON THAT HAS PROVIDED FUNERAL OR DEATH-RELATED**
27 **SERVICES IN RELATION TO THE DEATH OF A VICTIM.**

28 11–813.

29 (a) The Board may make an emergency award to the claimant before making a
30 final decision in the case, if the Board determines, before taking action on the claim, that:

- 1 (1) an award likely will be made on the claim; and
- 2 (2) the claimant will suffer undue hardship unless immediate payment is
- 3 made.
- 4 (b) (1) The amount of an emergency award under this section:
- 5 (i) may not exceed [~~\$2,000~~] **\$5,000**; and
- 6 (ii) shall be deducted from any final award made to the claimant.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
8 as follows:

9 **Article – Criminal Procedure**

10 11–809.

11 (a) (1) Except as provided in [paragraph] **PARAGRAPHS (2) AND (3)** of this
12 subsection, a claimant shall file a claim [not later than 3 years after the occurrence of the
13 crime or delinquent act or the death of the victim] **WITHIN 3 YEARS AFTER THE LATER**
14 **OF:**

15 **(I) THE DISCOVERY OF THE OCCURRENCE OF THE CRIME OR**
16 **DELINQUENT ACT OR THE DEATH OF THE VICTIM; OR**

17 **(II) THE EARLIER OF:**

18 **1. THE DATE THE CLAIMANT DISCOVERED AN ATTEMPT**
19 **TO OBTAIN A REVERSAL OF A CONVICTION, A SENTENCE, OR AN ADJUDICATION FOR**
20 **THE CRIME OR DELINQUENT ACT OR THE DEATH OF THE VICTIM; OR**

21 **2. THE DATE THE CLAIMANT, EXERCISING ORDINARY**
22 **DILIGENCE, SHOULD HAVE DISCOVERED AN ATTEMPT TO OBTAIN A REVERSAL OF A**
23 **CONVICTION, A SENTENCE, OR AN ADJUDICATION FOR THE CRIME OR DELINQUENT**
24 **ACT OR THE DEATH OF THE VICTIM.**

25 (2) In a case of child abuse, a claimant may file a claim:

26 (i) up to the date the child who was the subject of the abuse reaches
27 the age of 25 years; or

1 (ii) if the Board determines that there was good cause for failure to
2 file a claim before the date the child who was the subject of the abuse reached the age of
3 25 years, at any time.

4 **(3) IN A CASE OF SEXUAL ASSAULT, A CLAIMANT MAY FILE A CLAIM AT**
5 **ANY TIME IF THE BOARD DETERMINES THAT THERE WAS GOOD CAUSE FOR FAILURE**
6 **TO FILE A CLAIM WITHIN THE TIME LIMITS PROVIDED UNDER PARAGRAPHS (1) AND**
7 **(2) OF THIS SUBSECTION.**

8 (b) (1) Claims shall be filed in the office of the Board:

9 **(I) in person [or];**

10 **(II) by mail; OR**

11 **(III) ELECTRONICALLY, IN THE MANNER PROVIDED UNDER**
12 **PROCEDURES ESTABLISHED BY THE BOARD.**

13 (c) (1) (i) In this subsection, “debt collection activities” means:

14 1. repeatedly calling or writing to a claimant **OR OTHER**
15 **PERSON ELIGIBLE FOR BENEFITS ASSOCIATED WITH A CLAIM** and threatening to refer
16 the unpaid health care matter, **FUNERAL EXPENSE, OR OTHER DEATH-RELATED**
17 **EXPENSE** to a debt collection agency or [to] an attorney for collection; or

18 2. filing a legal action or pursuing any legal process or legal
19 proceeding.

20 (ii) “Debt collection activities” does not include routine billing or
21 inquiries about the status of the claim.

22 (2) When a claimant files a claim under this subtitle, all health care
23 providers, as defined in [§ 3-2A-01(e)] **§ 3-2A-01** of the Courts Article and [in] § 4-301(h)
24 of the Health – General Article **AND PERSONS THAT HAVE PROVIDED FUNERAL OR**
25 **DEATH-RELATED SERVICES IN RELATION TO THE DEATH OF A VICTIM**, that have been
26 given notice of a pending claim shall refrain from all debt collection activities relating to
27 [health care, as defined in § 4-301(g) of the Health – General Article, received by the
28 claimant in connection with a] **THE** claim until a final decision is made by the [Secretary]
29 **EXECUTIVE DIRECTOR** on the claim.

30 (3) On filing by a party of a notice of a claim filed under this subtitle, a
31 court shall stay all proceedings in an action related to health care **OR FUNERAL OR**
32 **DEATH-RELATED SERVICES** provided to a claimant in connection with the claim until the
33 court is notified that a final decision on the claim has been made.

1 (5) (i) A health care provider **OR PERSON THAT HAS PROVIDED**
2 **FUNERAL OR DEATH-RELATED SERVICES** who receives notice that a claim has been filed
3 under this subtitle may notify the Board in writing of the debt owed by the claimant in
4 connection with the claim.

5 (ii) If a health care provider **OR PERSON THAT HAS PROVIDED**
6 **FUNERAL OR DEATH-RELATED SERVICES** notifies the Board under subparagraph (i) of
7 this paragraph, the Board shall notify the health care provider **OR PERSON THAT HAS**
8 **PROVIDED FUNERAL OR DEATH-RELATED SERVICES** in writing when a final decision is
9 made on the claim.

10 (6) After a final decision on the claim under this subtitle, a health care
11 provider **OR PERSON THAT HAS PROVIDED FUNERAL OR DEATH-RELATED SERVICES**
12 that has received notice of a pending claim under this subtitle may engage in debt collection
13 activities or file a civil action in court until the later of:

14 (i) the expiration of the time for filing a civil action in court; or

15 (ii) 6 months after the date of the final decision on the claim under
16 this subtitle.

17 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be
18 construed to apply only prospectively and may not be applied or interpreted to have any
19 effect on or application to any claim relating to a crime committed before the effective date
20 of this Act.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 January 1, 2020.