

Chapter 378

(House Bill 968)

AN ACT concerning

Criminal Injuries Compensation Board – Compensation to Claimants

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

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–809(a), (b)(1), and (c)(1), (2), (3), (5), and (6), 11–811(a)(4), (b)(3) and (6), and (e), and 11–813(b)(1)Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 11–811(a)(5) and (6) and 11–813(a)

Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Criminal Procedure

11–811.

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

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

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

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

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

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

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

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

(e) The Board may negotiate a settlement with:

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

OR

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

11–813.

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

(1) an award likely will be made on the claim; and

(2) the claimant will suffer undue hardship unless immediate payment is made.

(b) (1) The amount of an emergency award under this section:

(i) may not exceed ~~[\$2,000]~~ **\$5,000**; and

- (ii) shall be deducted from any final award made to the claimant.

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

Article – Criminal Procedure

11-809.

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

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

(II) THE EARLIER OF:

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

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

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

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

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

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

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

(I) in person [or];

(II) by mail; OR

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

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

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

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

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

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

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

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

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

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

- (i) the expiration of the time for filing a civil action in court; or
- (ii) 6 months after the date of the final decision on the claim under this subtitle.

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

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

Approved by the Governor, April 30, 2019.