

HOUSE BILL 493

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By: **Delegates Cox and Arikan**

Introduced and read first time: January 24, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Fund – Conditions for**
3 **Awards on Claims**

4 FOR the purpose of authorizing the Criminal Injuries Compensation Board to make an
5 award if a crime or delinquent act directly resulted in damage to the property of a
6 certain victim under certain circumstances; requiring the Board to waive certain
7 requirements if good cause is shown; and generally relating to the Criminal Injuries
8 Compensation Board.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–810
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

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

16 **Article – Criminal Procedure**

17 11–810.

18 (a) (1) The Board may make an award only if the Board finds that:

19 (i) a crime or delinquent act was committed;

20 (ii) the crime or delinquent act directly resulted in:

21 1. physical injury to or death of the victim; [or]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. to prevent a crime or delinquent act or an attempted crime
2 or delinquent act from occurring in the victim’s presence; or

3 2. to apprehend an offender who had committed a crime or
4 delinquent act in the victim’s presence or had committed a felony or delinquent act that
5 would be a felony if committed by an adult.

6 (2) A claimant filing for injuries incurred as the occupant of a motor vehicle
7 or a dependent of an occupant of a motor vehicle operated in violation of § 21–902 of the
8 Transportation Article may not receive an award unless the claimant proves that the
9 occupant did not know or could not have known of the condition of the operator of the
10 vehicle.

11 (3) A claimant may not receive an award if:

12 (i) the victim initiated, consented to, provoked, or unreasonably
13 failed to avoid a physical confrontation with the offender; or

14 (ii) the victim was participating in a crime or delinquent act when
15 the injury was inflicted.

16 (e) (1) A victim or dependent may not be denied compensation solely because
17 the victim:

18 (i) is a relative of the offender; or

19 (ii) was living with the offender as a family member or household
20 member at the time of the injury or death.

21 (2) If the Board can reasonably determine that the offender will not receive
22 any economic benefit or undue enrichment from the compensation, the Board may award
23 compensation to a victim or dependent who is a relative, family member, or household
24 member of the offender.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2020.