

HOUSE BILL 484

E2

3lr1812

By: **Delegate Conaway**

Introduced and read first time: January 30, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Restitution – Out-of-Pocket Loss**

3 FOR the purpose of specifying certain out-of-pocket losses that the victim of a crime or
4 delinquent act suffered that may be considered when determining whether a court
5 may enter a judgment of restitution; and generally relating to restitution for crimes
6 and delinquent acts.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 11–603
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2022 Supplement)

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

14 **Article – Criminal Procedure**

15 11–603.

16 (a) A court may enter a judgment of restitution that orders a defendant or child
17 respondent to make restitution in addition to any other penalty for the commission of a
18 crime or delinquent act, if:

19 (1) as a direct result of the crime or delinquent act, property of the victim
20 was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value
21 substantially decreased;

22 (2) as a direct result of the crime or delinquent act, the victim suffered:

23 (i) actual medical, dental, hospital, counseling, funeral, or burial

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 expenses or losses;

2 (ii) direct out-of-pocket loss, **INCLUDING:**

3 **1. ATTORNEY'S FEES;**

4 **2. COURT COSTS;**

5 **3. REPLACEMENT COSTS; OR**

6 **4. FINES, LATE FEES, INTEREST, OR OTHER PENALTIES;**

7 (iii) loss of earnings; or

8 (iv) expenses incurred with rehabilitation;

9 (3) the victim incurred medical expenses that were paid by the Maryland
10 Department of Health or any other governmental unit;

11 (4) a governmental unit incurred expenses in removing, towing,
12 transporting, preserving, storing, selling, or destroying an abandoned vehicle as defined in
13 § 25-201 of the Transportation Article;

14 (5) the Criminal Injuries Compensation Board paid benefits to a victim; or

15 (6) the Maryland Department of Health or other governmental unit paid
16 expenses incurred under Subtitle 1, Part II of this title.

17 (b) A victim is presumed to have a right to restitution under subsection (a) of this
18 section if:

19 (1) the victim or the State requests restitution; and

20 (2) the court is presented with competent evidence of any item listed in
21 subsection (a) of this section.

22 (c) (1) A judgment of restitution does not preclude the property owner or the
23 victim who suffered personal physical or mental injury, out-of-pocket loss of earnings, or
24 support from bringing a civil action to recover damages from the restitution obligor.

25 (2) A civil verdict shall be reduced by the amount paid under the criminal
26 judgment of restitution.

27 (d) In making a disposition on a finding that a child at least 13 years old has
28 committed an act of graffiti under § 6-301(d) of the Criminal Law Article, the court shall
29 order the child to perform community service or pay restitution or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.