

SENATE BILL 788

E2, P3

3lr2750
CF HB 861

By: **Senator Hettleman**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victim Compensation – Alterations**

3 FOR the purpose of altering the composition of the Criminal Injuries Compensation Board;
4 altering certain duties, powers, and procedures for the Board to make awards to
5 victims of crime; altering the amount and types of awards the Board is authorized to
6 make to certain victims of crime; authorizing reconsideration and judicial review of
7 decisions of the Board; requiring the Governor to include certain funding in the
8 annual budget bill for the Criminal Injuries Compensation Fund; altering funding
9 for the Fund; and generally relating to the Criminal Injuries Compensation Board
10 and the Criminal Injuries Compensation Fund.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Procedure
13 Section 11–801(a) and 11–804(a)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 11–801(d), (e), and (g), 11–802, 11–804(b) and (c), 11–805(a), 11–807(b),
19 11–808(a), 11–809(a), 11–810, 11–811(a) and (b), 11–813, 11–814, 11–818, and
20 11–819
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2022 Supplement)

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

25 **Article – Criminal Procedure**

26 11–801.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (d) [(1)] “Crime” means:

3 [(i)] (1) except as provided in paragraph (2) of this subsection, a
4 criminal offense under state, federal, or common law that is committed in:

5 [1.] (I) this State; or

6 [2.] (II) another state against a resident of this State; or

7 [(ii)] (2) an act of international terrorism as defined in Title 18, §
8 2331 of the United States Code that is committed outside of the United States against a
9 resident of this State.

10 [(2)] “Crime” does not include an act involving the operation of a vessel or
11 motor vehicle unless the act is:

12 (i) a violation of § 20–102, § 20–104, § 21–902, or § 21–904 of the
13 Transportation Article;

14 (ii) a violation of § 8–738 of the Natural Resources Article;

15 (iii) a violation of the Criminal Law Article;

16 (iv) operating a motor vehicle or vessel that results in an intentional
17 injury; or

18 (v) a violation of federal law or the law of another state that is
19 substantially equivalent to a violation under this paragraph, as required under 34 U.S.C.
20 § 20102(b)(5) and (6).]

21 (e) “Dependent” means:

22 (1) a surviving spouse, **DOMESTIC PARTNER**, or child of a person; or

23 (2) a person who is dependent on another person for principal support.

24 (g) “Victim” means a person:

25 (1) who suffers physical injury or death as a result of a crime or delinquent
26 act;

27 (2) who suffers psychological injury as a direct result of[:

1 (i) a fourth degree sexual offense or a delinquent act that would be
2 a fourth degree sexual offense if committed by an adult;

3 (ii) a felony or a delinquent act that would be a felony if committed
4 by an adult; or

5 (iii) physical injury or death directly resulting from a crime or
6 delinquent act; or] **A CRIME OR DELINQUENT ACT; OR**

7 (3) who suffers physical injury or death as a direct result of:

8 (i) trying to prevent a crime or delinquent act or an attempted crime
9 or delinquent act from occurring in the person's presence;

10 (ii) trying to apprehend an offender who had committed a crime or
11 delinquent act in the person's presence or had committed a felony or a delinquent act that
12 would be a felony if committed by an adult; or

13 (iii) helping a law enforcement officer in the performance of the
14 officer's duties or helping a member of a fire department who is being obstructed from
15 performing the member's duties.

16 11-802.

17 (a) The General Assembly finds:

18 (1) that many [innocent] persons suffer personal physical or psychological
19 injury or die because of [crimes or delinquent acts or in their efforts to prevent them or
20 apprehend persons committing or attempting to commit them] **CRIME VICTIMIZATION;**

21 (2) that [these persons or their dependents may as a result suffer
22 disability, incur financial hardships, or become reliant on public assistance] **THERE IS A
23 NEED FOR GOVERNMENTAL ASSISTANCE FOR THESE VICTIMS AND THEIR LOVED
24 ONES;** and

25 (3) that [there is a need for government financial assistance for these
26 victims] **THIS INCLUDES FINANCIAL ASSISTANCE TO ADDRESS THE MANY
27 SIGNIFICANT EMOTIONAL, PRACTICAL, AND FINANCIAL HURDLES THAT RESULT
28 FROM CRIME VICTIMIZATION, INCLUDING LOST WORK, UNEXPECTED FUNERAL
29 EXPENSES, AND MEDICAL AND MENTAL HEALTH NEEDS.**

30 (b) The policy of the State is that help, care, and support be provided by the State,
31 as a matter of moral responsibility **AND PUBLIC SAFETY,** for these victims.

32 11-804.

1 (a) There is a Criminal Injuries Compensation Board in the Governor's Office of
2 Crime Prevention, Youth, and Victim Services.

3 (b) (1) The Board consists of [five] NINE members.

4 (2) **THE MEMBERSHIP OF THE BOARD SHALL REFLECT THE RACIAL,**
5 **ETHNIC, GEOGRAPHIC, AND GENDER DIVERSITY OF THE STATE.**

6 [(2)] (3) Of the [five] NINE members of the Board:

7 (i) one shall be a family member of a homicide victim;

8 (ii) [no more than four may belong to the same political party; and]
9 **THREE SHALL BE SURVIVORS OF VIOLENCE WHO ARE MEMBERS OF COMMUNITIES**
10 **THAT EXPERIENCE DISPROPORTIONATELY HIGH RATES OF VIOLENCE AND**
11 **INCARCERATION;**

12 (iii) [one shall have been admitted to practice law in the State for at
13 least 5 years immediately preceding the appointment] **THREE SHALL REPRESENT**
14 **COMMUNITY-BASED ORGANIZATIONS PROVIDING SERVICES TO VICTIMS OF**
15 **VIOLENCE;**

16 (IV) **ONE SHALL BE A REPRESENTATIVE OF A VICTIM ADVOCATE**
17 **ORGANIZATION THAT ASSISTS VICTIMS APPLYING FOR VICTIM COMPENSATION; AND**

18 (V) **ONE SHALL BE A COMMUNITY PROVIDER OR ADVOCATE**
19 **WITH EXPERTISE IN COMMUNITY-BASED VIOLENCE REDUCTION PROGRAMS OR**
20 **INITIATIVES WITH A PUBLIC HEALTH APPROACH.**

21 [(3)] (4) The Executive Director shall appoint the members of the Board,
22 with the approval of the Governor and the advice and consent of the Senate.

23 (c) (1) The term of a member is 5 years.

24 (2) A member who is appointed to fill a vacancy occurring other than by
25 expiration of a term serves for the rest of the unexpired term.

26 (3) **A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE**
27 **TERMS.**

28 11-805.

29 (a) Subject to the authority of the Executive Director, the Board has the following
30 powers and duties:

1 (1) to establish and maintain an office and to appoint and prescribe the
2 duties of a claims examiner, a secretary, clerks, and any other employees and agents as
3 may be necessary;

4 (2) to adopt regulations to carry out the provisions and purposes of this
5 subtitle, including procedures for the review and evaluation of claims and regulations for
6 the approval of attorneys' fees for representation before the Board or before the court on
7 judicial review;

8 (3) to request from the State's Attorney, the Department of State Police, or
9 county or municipal police departments any investigation and information that will help
10 the Board to determine[:

11 (i)] whether a crime or a delinquent act was committed or attempted;
12 [and

13 (ii) whether and to what extent the victim or claimant was
14 responsible for the victim's or claimant's own injury;]

15 (4) to hear and determine each claim for an award filed with the Board
16 under this subtitle, **TO HEAR APPEALS BY APPLICANTS**, and to reinvestigate or reopen a
17 case as the Board determines to be necessary;

18 (5) to direct medical examination of victims;

19 (6) to hold hearings, administer oaths, examine any person under oath, and
20 issue subpoenas requiring the attendance and testimony of witnesses or requiring the
21 production of documents or other evidence;

22 (7) to take or cause to be taken affidavits or depositions within or outside
23 the State; and

24 (8) to submit each year to the Governor, to the Executive Director, and,
25 subject to § 2-1257 of the State Government Article, to the General Assembly a written
26 report of the activities of the Board, **INCLUDING:**

27 **(I) THE NUMBER OF APPLICATIONS FILED WITH THE BOARD;**

28 **(II) THE NUMBER OF APPLICATIONS APPROVED;**

29 **(III) THE NUMBER OF APPLICATIONS DENIED;**

30 **(IV) THE BASIS FOR EACH DENIAL;**

31 **(V) ANONYMIZED DATA INDICATING THE RACE, GENDER, AGE,**
32 **AND COUNTY OF RESIDENCE OF VICTIMS;**

1 **(VI) ANONYMIZED DATA INDICATING THE CRIME INVOLVED IN**
 2 **EACH APPLICATION;**

3 **(VII) THE AVERAGE TIME IN BETWEEN THE BOARD RECEIVING AN**
 4 **APPLICATION, THE DETERMINATION OF ELIGIBILITY, AND THE FIRST**
 5 **DISBURSEMENT TO THE VICTIM; AND**

6 **(VIII) AN ACCOUNTING OF ALL FUNDS RECEIVED BY THE BOARD**
 7 **AND HOW THE BOARD USED FUNDS.**

8 11-807.

9 (b) When a report of a [violent] crime is filed with a law enforcement unit, the
 10 law enforcement unit shall give to a victim of that [violent] crime written information that
 11 the Board supplies about compensation for victims.

12 11-808.

13 (a) (1) Except as provided in paragraph (2) of this subsection, the following
 14 persons are eligible for awards in the manner provided under this subtitle:

15 (i) a victim;

16 (ii) a dependent of a victim who died as a direct result of:

17 1. a crime or delinquent act;

18 2. trying to prevent a crime or delinquent act or an attempted
 19 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
 20 person who had committed a crime or delinquent act in the victim's presence [or had
 21 committed a felony or a delinquent act that would be considered a felony if committed by
 22 an adult]; or

23 3. helping a law enforcement officer perform the officer's
 24 duties or helping a member of a fire department who is obstructed from performing the
 25 member's duties;

26 (iii) any person who paid or assumed responsibility for the funeral
 27 expenses of a victim who died as a direct result of:

28 1. a crime or delinquent act;

29 2. trying to prevent a crime or delinquent act or an attempted
 30 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
 31 person who had committed a crime or delinquent act in the victim's presence [or had

1 committed a felony]; or

2 3. helping a law enforcement officer perform the officer's
3 duties or helping a member of a fire department who is obstructed from performing the
4 member's duties; and

5 (iv) 1. a parent, child, **DOMESTIC PARTNER, DEPENDENT**
6 **MINOR**, or spouse of a victim who resides with the victim; or

7 2. a parent, child, **DOMESTIC PARTNER, DEPENDENT**
8 **MINOR**, or spouse of an individual who is incarcerated for abuse as defined in § 4-501 of
9 the Family Law Article and who, prior to incarceration:

10 A. resided with the parent, child, or spouse; and

11 B. provided financial support to the parent, child, **DOMESTIC**
12 **PARTNER, DEPENDENT MINOR**, or spouse.

13 (2) A person who commits the crime or delinquent act that is the basis of a
14 claim, or an accomplice of the person, is not eligible to receive an award with respect to the
15 claim.

16 11-809.

17 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
18 claimant shall file a claim within **[3] 5** years after the later of:

19 (i) the discovery of the occurrence of the crime or delinquent act or
20 the death of the victim; or

21 (ii) the earlier of:

22 1. the date the claimant discovered an attempt to obtain a
23 reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act; or

24 2. the date the claimant, exercising ordinary diligence,
25 should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an
26 adjudication for the crime or delinquent act.

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

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

30 (ii) if the Board determines that there was good cause for failure to
31 file a claim before the date the child who was the subject of the abuse reached the age of 25

1 years, at any time].

2 (3) [In a case of sexual assault, a] A claimant may file a claim at any time
3 if the Board determines that there was good cause for failure to file a claim within the time
4 limits provided under paragraphs (1) and (2) of this subsection.

5 11–810.

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

7 [(i)] (1) a crime or delinquent act was committed; AND

8 [(ii)] (2) the crime or delinquent act directly resulted in:

9 [1.] (I) physical injury to or death of the victim; or

10 [2.] (II) psychological injury to the victim that necessitated
11 mental health counseling[;

12 (iii) police, other law enforcement, or judicial records show that the
13 crime or delinquent act or the discovery of child abuse was reported to the proper
14 authorities within 48 hours after the occurrence of the crime or delinquent act or the
15 discovery of the child abuse; and

16 (iv) the victim has cooperated fully with all law enforcement units.

17 (2) For good cause, the Board may waive the requirements of paragraph
18 (1)(iii) and (iv) of this subsection].

19 (B) **THE BOARD SHALL ACCEPT AS EVIDENCE:**

20 (1) **A POLICE REPORT OR ANOTHER REPORT PRODUCED BY A LAW**
21 **ENFORCEMENT AGENCY;**

22 (2) **MEDICAL RECORDS DOCUMENTING AN INJURY CONSISTENT WITH**
23 **THE ALLEGED CRIME;**

24 (3) **A SIGNED STATEMENT FROM A VICTIM SERVICES PROVIDER;**

25 (4) **A PEACE ORDER ISSUED UNDER TITLE 3, SUBTITLE 15 OF THE**
26 **COURTS ARTICLE;**

27 (5) **A PROTECTIVE ORDER ISSUED UNDER TITLE 4, SUBTITLE 5 OF**
28 **THE FAMILY LAW ARTICLE;**

1 **(6) A STATEMENT FROM A LICENSED MEDICAL PROVIDER ATTESTING**
2 **TO THE INJURIES SUFFERED BY A VICTIM; AND**

3 **(7) ANY OTHER EVIDENCE THE BOARD CONSIDERS PROBATIVE.**

4 **[(b)] (C)** Unless total dependency is established, family members, **HOUSEHOLD**
5 **MEMBERS, AND MINORS LIVING WITH A LEGAL GUARDIAN** are considered to be partly
6 dependent on a parent **OR A LEGAL GUARDIAN** with whom they reside without regard to
7 actual earnings.

8 **[(c)] (D)** The Board may make an award only if the claimant, as a result of the
9 injury on which the claim is based, has:

10 (1) incurred at least \$100 in unreimbursed and unreimbursable expenses
11 or indebtedness reasonably incurred or claimed for:

12 (i) medical care, **INCLUDING THE COST OF MEDICAL SUPPLIES;**

13 (ii) expenses for eyeglasses and other corrective lenses;

14 (iii) mental health counseling;

15 (iv) funeral expenses;

16 (v) repairing, replacing, or cleaning property;

17 (vi) disability or dependent claim; **[or]**

18 **(VII) THE COSTS OF RELOCATION, INCLUDING ANY SECURITY**
19 **DEPOSIT;**

20 **(VIII) CHILD CARE EXPENSES INCURRED AS A RESULT OF SEEKING**
21 **MEDICAL OR PSYCHOLOGICAL CARE;**

22 **(IX) TRANSPORTATION COSTS INCURRED BY TRAVEL TO SEEK**
23 **MEDICAL OR PSYCHOLOGICAL CARE; OR**

24 **[(vii)] (X)** other necessary services; or

25 (2) lost at least \$100 in earnings or support.

26 **[(d)] (E)** **[(1) (i)]** Except as provided under subparagraph (ii) of this
27 paragraph, in considering a claim and in determining the amount of an award, the Board
28 shall determine whether the victim's conduct contributed to the infliction of the victim's
29 injury, and, if so, reduce the amount of the award or reject the claim.

1 (ii) The Board may disregard the responsibility of the victim for the
2 victim's own injury if that responsibility is attributable to efforts by the victim:

3 1. to prevent a crime or delinquent act or an attempted crime
4 or delinquent act from occurring in the victim's presence; or

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

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

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

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

16 (ii) the victim was participating in a crime or delinquent act when
17 the injury was inflicted.]

18 [(e) (F) (1) A victim or dependent may not be denied compensation [solely]
19 because the victim:

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

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

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

27 11-811.

28 (a) (1) (i) Except as otherwise provided in this subsection, an award under
29 this subtitle shall be made in accordance with the schedule of benefits, as it existed on
30 January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of the Labor and
31 Employment Article and any other applicable provisions of the Labor and Employment
32 Article, except for Title 9, Subtitle 8 of the Labor and Employment Article.

33 (ii) For determining the amount of an award under this subtitle, the

1 term “average weekly wages” does not include tips, gratuities, and wages that are
2 undeclared on the claimant’s State or federal income tax returns for the applicable years.

3 (iii) If a claimant does not have “average weekly wages” to qualify
4 under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award
5 shall be in an amount equal to the average of the maximum and minimum awards listed in
6 the applicable portion of that subtitle.

7 (2) An award for loss of earnings or support made under this subtitle may
8 be up to two-thirds of the victim’s gross average wage, but may not be less than the amount
9 provided in paragraph (1) of this subsection.

10 (3) The parent or guardian of a victim who is a child and who resides with
11 the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring
12 for the victim.

13 (4) An award for funeral expenses may not exceed [~~\$7,500~~] **\$10,000**.

14 (5) Subject to the limitation under subsection (b)(3) of this section and §
15 11–812 of this subtitle, a person who is eligible for an award as the result of the death of a
16 victim or psychological injury may be eligible, under the regulations that the Board adopts,
17 to receive psychiatric, psychological, or mental health counseling.

18 (6) Subject to the limitation under subsection (b)(6) of this section and §
19 11–812 of this subtitle, a parent, child, **DOMESTIC PARTNER, DEPENDENT**, or spouse of
20 a victim who resides with the victim and who is eligible for an award as the result of the
21 injury of a victim is eligible to receive psychiatric, psychological, or mental health
22 counseling.

23 (7) Subject to the limitation under subsection (b)(7) of this section and §
24 11–812 of this subtitle, a parent, child, **DOMESTIC PARTNER, DEPENDENT**, or spouse of
25 a victim who died as a direct result of a crime or delinquent act is eligible for an award of
26 up to 2 weeks of lost average weekly wages.

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

28 (1) for a disability–related or dependency–related claim:

29 (i) except as provided in item (ii) of this paragraph, \$25,000; or

30 (ii) if the injury to the victim results in permanent total disability,
31 up to an additional \$25,000 after a disability–related claim has been awarded to the victim;

32 (2) \$45,000 for a medical claim;

33 (3) [~~\$10,000~~] **\$45,000** for each claimant for psychiatric, psychological, or
34 mental health counseling under subsection (a)(5) of this section;

1 (4) except as provided in item (1)(ii) of this subsection, a total of \$45,000,
2 including any subsequent and supplemental awards;

3 (5) ~~[\$250]~~ **\$2,000** for each claimant for repair, replacement, or cleaning of
4 property damaged, soiled, or littered as a result of a crime or law enforcement investigation
5 of a crime, **INCLUDING THE COST OF REPLACING LOCKS;**

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

8 (i) \$10,000 for each claimant; and

9 (ii) \$20,000 for each incident; or

10 (7) \$2,000 for lost average weekly wage claims made under subsection
11 (a)(7) of this section.

12 11–813.

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

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

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

18 (b) ~~[(1)]~~ The amount of an emergency award under this section:

19 ~~[(i)]~~ **(1)** may not exceed ~~[\$5,000]~~ **\$10,000**; and

20 ~~[(ii)]~~ **(2)** shall be deducted from any final award made to the
21 claimant.

22 ~~[(2)]~~ Except as provided in paragraph (3) of this subsection, a claimant shall
23 repay the Board:

24 (i) the excess of the amount of the emergency award over any final
25 award; or

26 (ii) if a final award is not made, all of the emergency award.

27 (3) On written request by a claimant, for a compelling reason the Board
28 may waive the requirement that a claimant repay an emergency award under paragraph
29 (2) of this subsection.]

1 **(C) UNLESS IT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE**
2 **APPLICATION IS WITHOUT MERIT, THE BOARD SHALL MAKE EMERGENCY AWARDS**
3 **FOR:**

4 **(1) FUNERAL EXPENSES;**

5 **(2) CRIME SCENE CLEANUP; AND**

6 **(3) EMERGENCY RELOCATION.**

7 **(D) THE BOARD SHALL MAKE AVAILABLE PUBLICLY ON ITS WEBSITE A**
8 **FORM FOR VICTIMS TO APPLY FOR EMERGENCY AWARDS.**

9 11-814.

10 **(a) (1) Within 30 days after the receipt of a claim, the Board shall notify the**
11 **claimant BY E-MAIL OR PHONE if additional material is required.**

12 **(2) THE BOARD SHALL DOCUMENT THE DATE AND TIME THAT NOTICE**
13 **IS ISSUED UNDER THIS SUBSECTION.**

14 **(b) (1) Except as provided in paragraph (2) of this subsection, within [90] 30**
15 **days after the receipt of a claim and all necessary supporting material, the Board OR ITS**
16 **STAFF shall:**

17 **(i) complete the review and evaluation of each claim; and**

18 **(ii) file with the Executive Director a written report setting forth the**
19 **decision and the reasons in support of the decision.**

20 **(2) For good cause shown, for a period not to exceed 1 year the Board may**
21 **extend the time to file its report with the Executive Director after receipt of the claim and**
22 **all necessary supporting material until the first to occur of the following events:**

23 **(i) the claimant no longer has expenses related to the crime; or**

24 **(ii) the claimant has been awarded the maximum amount**
25 **authorized under §§ 11-811(b) and 11-812 of this subtitle.**

26 **(c) (1) Within 30 days after the receipt of a written report from the Board OR**
27 **ITS STAFF, the [Executive Director shall modify, affirm, or reverse the decision of the**
28 **Board] CLAIMANT MAY PETITION THE BOARD FOR RECONSIDERATION.**

29 **(2) (I) WITHIN 30 DAYS AFTER THE RECEIPT OF A PETITION FOR**

1 RECONSIDERATION, THE BOARD SHALL ISSUE A DECISION.

2 (II) THE BOARD SHALL FILE WITH THE EXECUTIVE DIRECTOR
3 A WRITTEN REPORT SETTING FORTH THE DECISION AND THE REASONS IN SUPPORT
4 OF THE DECISION.

5 (3) A CLAIMANT MAY APPEAL THE DECISION OF THE BOARD ON A
6 PETITION FOR RECONSIDERATION BY FILING A PETITION FOR JUDICIAL REVIEW IN
7 ACCORDANCE WITH TITLE 7 OF THE MARYLAND RULES.

8 [(d) The decision of the Executive Director to affirm, modify, or reverse the
9 decision of the Board is final.]

10 [(e)] (D) The claimant shall be given a copy of [the final report on request] ANY
11 REPORT BY CERTIFIED MAIL.

12 11-818.

13 (a) A person may not assert a false claim under this subtitle.

14 (b) A person who violates this section:

15 (1) is guilty of a misdemeanor and on conviction is subject to a fine not less
16 than \$500 [or imprisonment not exceeding 1 year or both]; and

17 (2) shall forfeit any benefit received and reimburse the State for payments
18 received or paid on the person's behalf under this subtitle.

19 11-819.

20 (a) (1) There is a Criminal Injuries Compensation Fund.

21 (2) The Fund consists of:

22 (i) money distributed to the Fund from the additional court costs
23 collected from defendants under § 7-409 of the Courts Article;

24 (ii) any investment earnings or federal matching funds received by
25 the State for criminal injuries compensation; and

26 (iii) funds made available to the Fund from any other source.

27 (3) The Fund is a special continuing, nonlapsing fund that is not subject to
28 § 7-302 of the State Finance and Procurement Article.

29 (4) The Treasurer shall separately hold the Fund and the Comptroller shall

1 account for it.

2 (5) The Fund shall be invested and reinvested in the same manner as other
3 State Funds.

4 (6) The Fund is subject to audit by the Office of Legislative Audits as
5 provided in § 2–1220 of the State Government Article.

6 (7) **FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER,**
7 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION**
8 **OF \$7,000,000 TO THE FUND.**

9 (b) The Criminal Injuries Compensation Fund:

10 (1) shall be used to:

11 (i) carry out the provisions of this subtitle; and

12 (ii) distribute restitution payments forwarded to the Fund under §
13 9–614 of the Correctional Services Article; and

14 (2) may be used for:

15 (i) any award given under this subtitle; and

16 (ii) the costs of carrying out this subtitle.

17 (c) This section does not prohibit the Fund from receiving money from any other
18 source.

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

21 **Article – Criminal Procedure**

22 11–819.

23 (a) (1) There is a Criminal Injuries Compensation Fund.

24 (2) The Fund consists of:

25 [(i) money distributed to the Fund from the additional court costs
26 collected from defendants under § 7–409 of the Courts Article;]

27 [(ii) (I) any investment earnings or federal matching funds
28 received by the State for criminal injuries compensation; and

1 ~~[(iii)] (II)~~ funds made available to the Fund from any other source.

2 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 this Act shall take
3 effect July 1, 2024.

4 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
5 3 of this Act, this Act shall take effect October 1, 2023.