



To: Members of The House Judiciary Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: 3/11/2020

Subject: **HB358 – Victim’s Rights - Restitution**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB358 – Victim’s Rights - Restitution**

This bill make a variety of useful changes to the law in regards to restitution for the victims of criminal acts. It requires a court to issue an Order of Restitution if warranted by the facts of a case. It allows for restitution for losses that are not the immediate and direct result of the criminal act. It clarifies who can be awarded restitution.

Importantly, it also requires that the defendant be notified about any restitution claim before it can be imposed. While ensuring that no defendant will be found in violation of probation or in contempt simply because they cannot afford to pay restitution, it also ensures that the court can still impose an Order of Restitution, which provides the victims assurance that they have a claim in the defendant later becomes able to pay.

For the reasons stated, we **Support HB358 – Victim’s Rights – Restitution.**

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

Should you have other questions, please contact The MSBA’s Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at Richard@MSBA.org and Parker@MSBA.org.