



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

March 8, 2023

Senator William C. Smith, Jr.  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Written Testimony in Support of SB 788 – Victim Compensation Reform**

Dear Chairperson Smith and Members of the Committee:

Thank you for the opportunity to present testimony regarding SB 788, which revises Maryland's existing victim compensation process to better meet the needs of actual victims of crime. Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free legal services to thousands of low-income Maryland residents each year. Our statewide Victim Assistance Program represents the same individuals this bill seeks to help – victims of crimes – when they seek civil protective orders, divorce, custody, and child support. SB 788 removes barriers to eligibility and expands the types of expenses recoverable under Maryland's Victim Compensation program. The bill also reforms the claims determination process to promote faster and more transparent decision-making, and to reduce biases against applicants of color, who are disproportionately disqualified from receiving compensation. As advocates for victims of crime, especially those living at or near the poverty line, MLA urges a favorable report on this bill.

MLA attorneys know that when victims obtain a protective order against their abusers, that is often just the first step in their road to safety and recovery. In order to fully forge safe and independent lives free from abuse, our clients require timely access to emergency and restorative financial support such as reimbursements for security deposits and medical bills, which, under our current victim compensation scheme, is virtually non-existent.

Earlier this year, an MLA client, Ms. D, sought and obtained a domestic violence protective order against her husband of more than twenty years. Because they had lived together in his parent's house, Ms. D was forced to leave and seek new housing with no time to prepare. Ms. D, who is disabled, was suddenly responsible for a security deposit, rent, furniture, transportation. She also accumulated thousands of dollars of medical debt as a direct result of her husband's abuse, and she continues to pay for the therapy she now attends on a weekly basis. Not only is Ms. D

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financially burdened by these costs, but she is made more vulnerable to homelessness and future victimization.

Despite bearing all the pain and costs resulting from her abuse, Ms. D cannot get a dime from the current victim compensation system. Why? Because she did not call the police within 48 hours; because many of her costs – relocation fees, transportation to and from her therapy appointments – are somehow not covered; and because, Maryland has one of the lowest rates of awarded victim compensation in the country. Over half of all Maryland claims were denied as ineligible or closed without any compensation in FY22, with no victim of domestic violence related crimes awarded compensation. In fact, only *one* domestic violence-related claim has been paid in the last *five* fiscal years.<sup>1</sup>

By assisting with the destabilizing expenses that come with the trauma of victimization, such as medical care, mental health care, lost wages, relocation, and childcare, access to compensation has the potential to help domestic violence victims gain independence from their abusers and reduces the risk of future victimization and the long-term state costs of violence.<sup>2</sup>

SB 788 removes numerous requirements that bar victims from compensation, including that a victim must report a crime to law enforcement within 48 hours and further “cooperate” with those officials. MLA attorneys know that in domestic violence cases, where victims tend to have close emotional ties to their abusers, or share children with them, or are financially dependent on them, victims often delay in reporting the crime to police, if they report at all. Additionally, many victims do not formally report out of fear that their abuser will retaliate or escalate—or simply because trauma can take time to register and heal, and does not always operate on a neat, two-day schedule.

These reforms more accurately reflect family structures and the needs of victims. It expands the categories of eligible relatives to include domestic partners and dependents, and the categories of eligible expenses to include relocation fees as well as transportation and childcare costs associated with seeking medical or psychological assistance. This bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. It streamlines the claims process to reduce the unacceptable delays victims currently experience, and improves transparency and accountability. These revisions

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<sup>1</sup> See Governor's Office of Crime Prevention, Youth, and Victim Services, *Criminal Injuries Compensation Board FY 2022 Annual Report*, November 1, 2022.

<sup>2</sup> See Njeri Mathis Rutledge, *Looking A Gift Horse In The Mouth—The Underutilization of Crime Victim Compensation Funds by Domestic Violence Victims*, 19 Duke J. Gender L. & Pol'y 223 (2011)

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reduce discrimination against applicants of color, who are disparately disqualified from receiving compensation. Finally, SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

SB 788 promotes public safety and stability by providing much needed financial assistance to crime victims and their families. Thank you for considering this written testimony. **For the reasons stated above, MLA urges a favorable report on SB 788.**

Sincerely,



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