

Criminal Procedure - Victim Compensation - Alterations

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My name is Braden Stinar, and I am a 3rd year law student at the University of Baltimore School of Law and Research Fellow with the UB Center for Criminal Justice Reform. On behalf of the UB CCJR, we strongly support HB 861/SB 788, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation.

HB 861/SB 788 removes numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that a victim must “cooperate” with law enforcement. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The bill also strikes the concept of the “perfect victim” who may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. This bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in HB 861/SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, HB 861/SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

For the above stated reasons the UB CCJR strongly urges a favorable report on HB 861/SB 788.