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Governor

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Governor's Office of Crime Prevention, Youth, and Victim Services
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March 7, 2023

Chairman Luke H. Clippinger
Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

RE: SB788/ HB861 Criminal Procedure - Victim Compensation - Alterations Governor's Office Crime Prevention, Youth and Victim Services

Dear Chairman and Committee Members:

The Governor's Office of Crime Prevention, Youth, and Victim Services (Office) is providing a letter of information in response to the proposed victim compensation legislation.

SB788/HB861 proposes increased costs in numerous ways. The effective date of proposed legislation is October 1, 2023, and funding would not be available until July 1, 2024, leaving the agency with no State funding during that time. Moreover, this bill adds a State Legislative Report requirement.

The following has been increased and will have a significant fiscal impact on the Office.

- A 33 percent increase costs of funerals from \$7,500.00 to \$10,000.00.
- A 350 percent increase in counseling reimbursement from \$ 10,000.00 cap to \$45,000.00.
- A 700 percent increase in Crime Scene cleanup from \$250 to \$2,000.00.
- A 100 percent increase in Emergency Award for \$5,000.00 to \$10,000.00.
- A 66 percent decrease in claims completion time from 90 days to 30 days, which will require the hiring of substantial staff (minimum of 30 staff plus 4 additional Board Members). This bill adds a tremendous burden to an already understaffed Office. (The Office will need a minimum of 30 new staff as approved by DBM for PINS). This will also require a significant amount of additional office space, technology upgrades, office equipment, supplies, as well as an internal and external overhaul of current processes and procedures for both the CICB and GOCPYVS Financial Operations.
- Increased time to file applications from 3 years to 5 years, which will expand eligibility.
- Unknown fiscal impact of exponentially increasing eligibility components.

There is a lack of clarity in the bill regarding the additional programs.

- Reimbursement of child care expenses for counseling/medical visits.
- Reimbursement of transportation expenses for counseling/medical visits.

- The Relocation Unit will realize a substantial fiscal impact and relocation services are very labor intensive. If not properly implemented, this could result in liability issues for the agency.
 - The bill does not define if relocation is temporary or permanent. Temporary relocation will impact the need for law enforcement surveillance and permanent relocation will impact the budget due to high security deposits and entering into lease agreements. There is also redundancy with relocation efforts that are currently a part of The States' Attorneys Offices, which includes the integral law enforcement component.
 - HB 974 proposed this session addresses the relocation of gun violence victims, which would be housed within the Victim Services Unit. This would overlap with the same victims the CICB would be serving. The overlap must be clarified prior to implementation of legislation addressing this subject matter.
 - An unknown fiscal impact exists with the creation of the relocation component. The high number of shootings and homicides in Maryland must be considered. Case Management services and law enforcement involvement is an integral part of any relocation initiatives.
 - There is a lack of clarity with how long victims will be provided with relocation assistance (1 month, 6 months, 12 months, indefinitely). Exact time frames will be needed to calculate the fiscal impact.
 - There is a lack of clarity with regard to how many times a victim may be relocated. (1 time versus as many times as needed).
- Technology changes require engaging in an RFP process initiated by the State of Maryland and involve the State's Department of Information and Technology (DoIT) prior to making any changes to the existing database or procuring a new one.

Language will change due to the proposed legislation.

- Removes the designation of "violent" pertaining to compensable crime types.
- Changes "spouse" to "domestic partner" to expand eligibility, which will have a fiscal impact.

Legal ramifications to the bill regarding terminology and current processes are listed below.

- Loss of support eligibility increased by expanded definition of newly added term "household member" which will have a fiscal impact.
- No known impact of how removing "violent" from crime will expand eligibility to all types of crimes.
- Adds four (4) additional Board Members and alters the composition of the CICB Board.
- Sets term limits for Board members.
- Increases types of documents used to establish legal proof of crimes, which will expand eligibility.
- Limits the denial process by imposing criminal act status and removing violent crime designation.
- No definitions or clarifications on newly added populations and how eligibility will be determined as a result. (domestic partner, household member etc.).

Additional issues:

- There is little or no inclusion of Law Enforcement, States' Attorneys' Offices and other key local and State entities to ensure viability of these changes that involve the collection of data from these entities is the key to processing the claims.

This bill proposes a massive overhaul of CICB and should not be attempted in a single piece of legislation. There are too many unknown variables and countless barriers that could have a significant negative impact on the agency. GOCPYVS is in agreement with instituting changes that assist crime victims, but this implementation must be a deliberative inclusive process and fiscally sustainable to prevent revictimization and/or suffering for crime victims. Additionally, the short timeframe for implementation outlined in this bill – less than six 6 months – is not possible. Furthermore, substantial changes to any state VOCA Compensation Program should be vetted to some degree by the

National Compensation Member Organization to ensure that the State of Maryland would be in compliance with regulations regarding changes, and gain knowledge of successes and failures of other programs to prevent potential failure in Maryland. Working with other state leaders, partners, and stakeholders is imperative to this process.

The agency is in agreement with the following changes to be implemented by October 1, 2023 as they would pose a minimal impact to GOCPYVS and CICB.

- Increase to the Crime Scene Cleanup Award.
- Acceptance of expanded evidence to aid crime victims (In addition to current police reports).
- Provide an annual Statewide Legislative Report.

The General Assembly mandates that the GOCPYVS Executive Director and Director of Victim Compensation and Direct Victim Services appoint a task force to address the proposed changes to the agency. The Office proposes a three-year pilot program so adjustments may be made as the new program develops. Corrections to the proposed pilot program may be made after each fiscal year until all issues are resolved. This approach was successful with the implementation of the Sexual Assault Reimbursement Program, as well as working with the Maryland Department of Health (MDH), Maryland Hospital Association (MHA) and The Maryland Coalition Against Sexual Assault (MCASA) to implement the HIV Postexposure Prophylaxis (nPEP) program. This proposal includes at least one (1) representative from each of the identified core groups: Victim Attorneys, Victim Advocates (All Victimology Identified by Statute), Law Enforcement, States' Attorney Offices, Maryland Department of Health, Maryland Department of Social Services, Maryland Crime Victim Resource Center, Maryland Department of Juvenile Services, Maryland Hospital Association, Mental Health Professionals, Medical/Dental Professionals, Maryland Department of Education (Relocation impacted by McKinney-Vento Homeless Assistance Act), Maryland Department of Housing and Urban Development (HUD) and Funeral Home Association.

If you have questions or concerns, you may contact the office's Interim Acting Legislative Liaison Joseph Cueto by email at joseph.cueto@maryland.gov.

Sincerely,



Veronica Moulis
Interim Acting Executive Director