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February 21, 2023

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 0484 – Criminal Procedure – Restitution – Out-of-Pocket Loss
(Support)

The Office of the Attorney General urges a favorable report on House Bill 484. This legislation, sponsored by Del. Conaway, would specify that a court may consider certain out-of-pocket losses suffered by a victim of a crime or act in determining whether the court may enter a judgment of restitution. Those out-of-pocket expenses would include: attorney's fees, court costs, replacement costs, fines, late fees, interest, and/or other penalties.

This legislation would correct the decision in *Shivers v. State of Maryland*, which problematically held that only "direct out-of-pocket loss" for which victims may receive restitution are losses for bodily or mental injury, ignoring the possibility of property or economic injury.¹ Restitution holds offenders fully accountable for harm caused to their victims. Losses incurred by victims may be substantial and may also impact the victim's family.² Without these provisions allowing a victim to recover expenses they would not have incurred if not for the defendant's commission of a crime, victims cannot be made whole.

For the foregoing reasons, the Office of the Attorney General encourages a favorable report on House Bill 484.

cc: Committee Members

¹ Sharon Shivers v. State of Maryland, No. 879, September Term 2021. Opinion by Beachley, J.

² Alison C. Cares, Stacy Hoskins Haynes, & R. Barry Ruback, *Reducing the Harm of Criminal Victimization: The Role of Restitution*, ASSUMPTION UNIV. SOCIOLOGY AND CRIMINOLOGY DEP'T FACULTY WORKS at 1 (2015).

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us