

SENATE BILL 471

E2

4lr4594
CF HB 575

By: **The President (By Request – Administration) and Senators Beidle, Brooks, Carozza, Carter, Charles, Elfreth, Ferguson, Gile, Hester, Hettleman, Lam, McKay, Rosapepe, Salling, Waldstreicher, and West**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2024

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Victim Compensation – Alterations**
3 **(Victim Compensation Reform Act of 2024)**

4 FOR the purpose of altering the composition of the Criminal Injuries Compensation Board;
5 altering certain duties, powers, and procedures for the Board to make awards to
6 victims of crime; altering the powers and duties of certain employees; altering the
7 amount and types of awards the Board is authorized to make to certain victims of
8 crime; authorizing reconsideration and judicial review of decisions of the Board;
9 altering certain criminal penalties; authorizing the Governor to include certain
10 funding in the annual budget bill for the Criminal Injuries Compensation Fund; and
11 generally relating to the Criminal Injuries Compensation Board and the Criminal
12 Injuries Compensation Fund.

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 11–801, 11–802, 11–804(b) and (c), 11–805, 11–807(b), 11–808(a), 11–809(a),
16 11–810, 11–811(a) and (b), 11–813, 11–814, 11–818, and 11–819
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Criminal Procedure
21 Section 11–804(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Criminal Injuries Compensation Board.

(c) “Claimant” means the person filing a claim under this subtitle.

(d) (1) “Crime” means:

(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:

1. this State; or

2. another state against a resident of this State; or

(ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

(2) “Crime” does not include an act involving the operation of a vessel or motor vehicle unless the act is:

(i) a violation of § 20–102, § 20–104, **§ 21–706, § 21–901.3, § 21–902, [or] § 21–904, OR § 21–1124.3** of the Transportation Article;

(ii) a violation of § 8–738 of the Natural Resources Article;

(iii) a violation of the Criminal Law Article;

(iv) operating a motor vehicle or vessel that results in an intentional injury; or

(v) a violation of federal law or the law of another state that is substantially equivalent to a violation under this paragraph, as required under 34 U.S.C. § 20102(b)(5) and (6).

(e) “Dependent” means:

(1) a surviving spouse, **DOMESTIC PARTNER**, or child of a person; or

(2) a person who is dependent on another person for principal support.

(f) “Executive Director” means the Executive Director of the Governor’s Office of Crime Prevention, Youth, and Victim Services.

(G) “QUALIFIED THIRD PARTY” MEANS:

(1) A LICENSED PHYSICIAN OR PSYCHOLOGIST AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) A SOCIAL WORKER OR CASEWORKER OF ANY PUBLIC OR PRIVATE HEALTH OR SOCIAL SERVICES AGENCY OR PROVIDER; OR

(3) AN ADVOCATE OR VICTIM SERVICE PROVIDER FROM A DOMESTIC VIOLENCE OR SEXUAL ASSAULT PREVENTION OR ASSISTANCE PROGRAM.

[(g)] (H) “Victim” means a person:

(1) who suffers physical **OR PSYCHOLOGICAL** injury or death as a result of a crime or delinquent act; **OR**

(2) [who suffers psychological injury as a direct result of:

(i) a fourth degree sexual offense or a delinquent act that would be a fourth degree sexual offense if committed by an adult;

(ii) a felony or a delinquent act that would be a felony if committed by an adult; or

(iii) physical injury or death directly resulting from a crime or delinquent act; or

(3)] who suffers physical injury or death as a direct result of:

(i) trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the person’s presence;

(ii) trying to apprehend an offender who had committed a crime or delinquent act in the person’s presence or had committed a felony or a delinquent act that would be a felony if committed by an adult; or

(iii) helping a law enforcement officer in the performance of the officer’s duties or helping a member of a fire department **OR AN AGENCY THAT PROVIDES**

EMERGENCY MEDICAL SERVICES who is being obstructed from performing the member's duties.

11-802.

(a) The General Assembly finds:

(1) that many [innocent] persons suffer personal physical or psychological injury or die because of [crimes or delinquent acts or in their efforts to prevent them or apprehend persons committing or attempting to commit them] **CRIME VICTIMIZATION**;

(2) that [these persons or their dependents may as a result suffer disability, incur financial hardships, or become reliant on public assistance] **THERE IS A NEED FOR GOVERNMENT ASSISTANCE FOR CRIME VICTIMS AND THEIR LOVED ONES**; and

(3) that [there is a need for government financial assistance for these victims] **NEEDED ASSISTANCE INCLUDES FINANCIAL ASSISTANCE TO ADDRESS THE MANY SIGNIFICANT EMOTIONAL, PRACTICAL, AND FINANCIAL HURDLES THAT RESULT FROM CRIME VICTIMIZATION, INCLUDING LOST WORK, UNEXPECTED FUNERAL EXPENSES, AND HEALTH NEEDS**.

(b) The policy of the State is that help, care, and support be provided by the State, as a matter of moral responsibility **AND PUBLIC SAFETY**, for these victims.

11-804.

(a) There is a Criminal Injuries Compensation Board in the Governor's Office of Crime Prevention, Youth, and Victim Services.

(b) (1) The Board consists of [five] **SEVEN** members.

(2) **THE MEMBERSHIP OF THE BOARD SHALL REFLECT THE RACIAL, ETHNIC, GEOGRAPHIC, AND GENDER DIVERSITY OF THE STATE**.

(3) Of the [five] **SEVEN** members of the Board:

(i) one shall be a family member of a homicide victim;

(ii) [no more than four may belong to the same political party] **AT LEAST ONE SHALL BE A SURVIVOR OF VIOLENCE WHO IS A MEMBER OF A COMMUNITY THAT EXPERIENCES DISPROPORTIONATELY HIGH RATES OF VIOLENCE AND INCARCERATION**; and

(iii) [one shall have been admitted to practice law in the State for at least 5 years immediately preceding the appointment] **AT LEAST ONE SHALL BE A REPRESENTATIVE OF AN ORGANIZATION THAT PROVIDES ASSISTANCE TO VICTIMS APPLYING FOR VICTIM COMPENSATION.**

[(3)] (4) The Executive Director shall appoint the members of the Board, with the approval of the Governor and the advice and consent of the Senate.

(c) (1) The term of a member is 5 years.

(2) A member who is appointed to fill a vacancy occurring other than by expiration of a term serves for the rest of the unexpired term.

(3) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

11-805.

(a) Subject to the authority of the Executive Director, the Board has the following powers and duties:

(1) to establish and maintain an office and to appoint and prescribe the duties of a claims examiner, a secretary, clerks, and any other employees and agents as may be necessary;

(2) to adopt regulations to carry out the provisions and purposes of this subtitle, including procedures for the review and evaluation of claims and regulations for the approval of attorneys' fees for representation before the Board or before the court on judicial review;

(3) to request from the State's Attorney, the Department of State Police, [or] county or municipal police departments, **OR A QUALIFIED THIRD PARTY** any investigation and information that will help the Board to determine[:

(i)] whether a crime or a delinquent act was committed or attempted;
[and

(ii) whether and to what extent the victim or claimant was responsible for the victim's or claimant's own injury;]

(4) to ~~DELEGATE TO EMPLOYEES OF THE BOARD THE ABILITY TO~~ hear and determine each claim for an award filed with the Board under this subtitle, ~~TO HEAR APPEALS BY APPLICANTS OF INITIAL DETERMINATIONS MADE BY EMPLOYEES OF THE BOARD,~~ and to reinvestigate or reopen a case as the Board determines to be necessary;

(5) to direct medical examination of victims;

(6) to hold hearings, administer oaths, examine any person under oath, and issue subpoenas requiring the attendance and testimony of witnesses or requiring the production of documents or other evidence; AND

(7) to take or cause to be taken affidavits or depositions within or outside the State[]; and

(8) to submit each year to the Governor, to the Executive Director, and, subject to § 2–1257 of the State Government Article, to the General Assembly a written report of the activities of the Board[].

(b) Except as otherwise provided by law, an employee of the Board is subject to the State Personnel and Pensions Article.

(c) [(1)] The Board [may delegate to a member or employee of the Board its powers under this section to hold hearings, administer oaths, examine a person under oath, and issue subpoenas.

(2) A subpoena issued under this section is subject to the Maryland Rules] ~~SHALL~~ MAY:

(1) DELEGATE TO EMPLOYEES OF THE BOARD AUTHORITY TO HEAR CLAIMS AND MAKE INITIAL DETERMINATIONS REGARDING EACH CLAIM FOR AN AWARD FILED WITH THE BOARD UNDER THIS SUBTITLE, AND ANY OTHER POWERS NECESSARY FOR THE OFFICE WITHIN THE BOARD TO MAKE INITIAL DETERMINATIONS; AND

(2) SUBMIT EACH YEAR TO THE GOVERNOR, TO THE EXECUTIVE DIRECTOR, AND, SUBJECT TO § 2–1257 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY A WRITTEN REPORT OF THE ACTIVITIES OF THE BOARD, INCLUDING:

(I) THE NUMBER OF APPLICATIONS FILED WITH THE BOARD;

(II) THE NUMBER OF APPLICATIONS APPROVED;

(III) THE NUMBER OF APPLICATIONS DENIED;

(IV) AGGREGATED DATA REGARDING THE BASIS FOR EACH DENIAL;

(V) ANONYMIZED DATA INDICATING THE RACE, GENDER, AGE, AND COUNTY OF RESIDENCE OF VICTIMS;

1 **(VI) ANONYMIZED DATA INDICATING THE CRIME INVOLVED IN**
2 **EACH APPLICATION; AND**

3 **(VII) THE AVERAGE TIME IN BETWEEN THE BOARD RECEIVING AN**
4 **APPLICATION, THE DETERMINATION OF ELIGIBILITY, AND THE FIRST**
5 **DISBURSEMENT TO THE VICTIM.**

6 **(D) (1) A CLAIM BY A PERSON OTHER THAN THE VICTIM MAY NOT**
7 **INCLUDE NARRATIVE DESCRIBING THE VICTIM OR A PHOTOGRAPH OF THE VICTIM.**

8 **(2) THE BOARD MAY NOT DISCLOSE THE IDENTITY OF OR**
9 **INFORMATION THAT CLEARLY IDENTIFIES A VICTIM OF SEXUAL ASSAULT, CHILD**
10 **ABUSE, STALKING, OR ELDER ABUSE.**

11 **(3) IF THE CONFIDENTIALITY OF A RECORD OR REPORT THAT THE**
12 **BOARD OBTAINS IS PROTECTED BY LAW OR REGULATION, THE RECORD OR REPORT**
13 **SHALL REMAIN CONFIDENTIAL, SUBJECT TO THE LAW OR REGULATION.**

14 11-807.

15 (b) When a report of a [violent] crime is filed with a law enforcement unit, the
16 law enforcement unit shall give to a victim of that [violent] crime written information that
17 the Board supplies about compensation for victims.

18 11-808.

19 (a) (1) Except as provided in paragraph (2) of this subsection, the following
20 persons are eligible for awards in the manner provided under this subtitle:

21 (i) a victim;

22 (ii) a dependent of a victim who died as a direct result of:

23 1. a crime or delinquent act;

24 2. trying to prevent a crime or delinquent act or an attempted
25 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
26 person who had committed a crime or delinquent act in the victim's presence [or had
27 committed a felony or a delinquent act that would be considered a felony if committed by
28 an adult]; or

29 3. helping a law enforcement officer perform the officer's
30 duties or helping a member of a fire department **OR AN AGENCY THAT PROVIDES**
31 **EMERGENCY MEDICAL SERVICES** who is obstructed from performing the member's
32 duties;

(iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence [or had committed a felony]; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department **OR AN AGENCY THAT PROVIDES EMERGENCY MEDICAL SERVICES** who is obstructed from performing the member's duties; and

(iv) 1. a parent, child, **DOMESTIC PARTNER, DEPENDENT MINOR, ADULT UNDER LEGAL GUARDIANSHIP**, or spouse of a victim who resides with the victim; or

2. a parent, child, **DOMESTIC PARTNER, DEPENDENT MINOR, ADULT UNDER LEGAL GUARDIANSHIP**, or spouse of an individual who is incarcerated for abuse as defined in § 4–501 of the Family Law Article and who, prior to incarceration:

A. resided with the parent, child, **DOMESTIC PARTNER, DEPENDENT MINOR, ADULT UNDER THEIR LEGAL GUARDIANSHIP**, or spouse; and

B. provided financial support to the parent, child, **DOMESTIC PARTNER, DEPENDENT MINOR, ADULT UNDER THE INDIVIDUAL'S LEGAL GUARDIANSHIP**, or spouse.

(2) A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to the claim.

11–809.

(a) (1) Except as provided in paragraphs (2) [and], (3), **AND (4)** of this subsection, a claimant shall file a claim within [3] 4 years after the later of:

(i) the discovery of the occurrence of the crime or delinquent act or the death of the victim; or

(ii) the earlier of:

1 1. the date the claimant discovered an attempt to obtain a
2 reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act; or

3 2. the date the claimant, exercising ordinary diligence,
4 should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an
5 adjudication for the crime or delinquent act.

6 (2) In a case of child abuse, a claimant may file a claim[:

7 (i) up to the date the child who was the subject of the abuse reaches
8 the age of 25 years; or

9 (ii) if the Board determines that there was good cause for failure to
10 file a claim before the date the child who was the subject of the abuse reached the age of 25
11 years,] at any time.

12 (3) In a case [of sexual assault, a] **WHERE THE FILING OF A CLAIM WAS**
13 **DELAYED AS THE RESULT OF A DELAY IN THE TESTING OF DNA OR A DELAY IN DNA**
14 **PROFILE MATCHING FROM A SEXUAL ASSAULT FORENSIC EXAMINATION KIT OR**
15 **BIOLOGICAL MATERIAL RELATED TO A SEXUAL OFFENSE, A CLAIMANT SHALL FILE A**
16 **CLAIM WITHIN 4 YEARS AFTER NOTIFICATION OF THE RESULTS OF THE TESTING OR**
17 **DNA PROFILE MATCHING.**

18 (4) A claimant may file a claim at any time if the Board determines that
19 there was good cause for failure to file a claim within the time limits provided under
20 paragraphs (1) and [(2)] **(3)** of this subsection.

21 11-810.

22 (a) [(1)] The Board may make an award only if the Board finds that:

23 [(i)] **(1)** a crime or delinquent act was committed; **AND**

24 [(ii)] **(2)** the crime or delinquent act directly resulted in:

25 [1.] **(I)** physical injury to or death of the victim; or

26 [2.] **(II)** psychological injury to the victim that necessitated
27 mental health counseling[;

28 (iii) police, other law enforcement, or judicial records show that the
29 crime or delinquent act or the discovery of child abuse was reported to the proper
30 authorities within 48 hours after the occurrence of the crime or delinquent act or the
31 discovery of the child abuse; and

32 (iv) the victim has cooperated fully with all law enforcement units.

(2) For good cause, the Board may waive the requirements of paragraph (1)(iii) and (iv) of this subsection].

(b) **THE BOARD SHALL ACCEPT AS EVIDENCE:**

(1) **A REPORT PRODUCED BY A LAW ENFORCEMENT AGENCY;**

(2) **MEDICAL RECORDS DOCUMENTING AN INJURY CONSISTENT WITH THE ALLEGED CRIME;**

(3) **A SWORN STATEMENT FROM A QUALIFIED THIRD PARTY;**

(4) **A PEACE ORDER ISSUED UNDER TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE;**

(5) **A PROTECTIVE ORDER ISSUED UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; AND**

(6) **ANY OTHER EVIDENCE THE BOARD CONSIDERS PROBATIVE.**

(C) Unless total dependency is established, family members, **HOUSEHOLD MEMBERS, AND MINORS LIVING WITH A LEGAL GUARDIAN** are considered to be partly dependent on a parent **OR A LEGAL GUARDIAN** with whom they reside without regard to actual earnings.

[(c)] (D) The Board may make an award only if the claimant, as a result of the injury on which the claim is based, has:

(1) incurred at least \$100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for:

(i) medical care, **INCLUDING THE COST OF MEDICAL SUPPLIES;**

(ii) expenses for eyeglasses and other corrective lenses;

(iii) mental health counseling;

(iv) funeral expenses;

(v) repairing, replacing, or cleaning property;

(vi) disability or dependent claim, **OR ANY ASSISTIVE TECHNOLOGY RELATED TO A DISABILITY OR DEPENDENT CLAIM; [or]**

1 **(VII) THE COSTS OF ONE-TIME RELOCATION, INCLUDING ANY**
2 **SECURITY DEPOSIT;**

3 **(VIII) CHILD CARE EXPENSES INCURRED AS A RESULT OF SEEKING**
4 **MEDICAL OR PSYCHOLOGICAL CARE;**

5 **(IX) TRANSPORTATION COSTS INCURRED BY TRAVEL TO SEEK**
6 **MEDICAL OR PSYCHOLOGICAL CARE; OR**

7 **[(vii)] (X)** other necessary services; or

8 (2) lost at least \$100 in earnings or support.

9 **[(d)] (E)** **[(1) (i)]** Except as provided under subparagraph (ii) of this
10 paragraph, in considering a claim and in determining the amount of an award, the Board
11 shall determine whether the victim's conduct contributed to the infliction of the victim's
12 injury, and, if so, reduce the amount of the award or reject the claim.

13 (ii) The Board may disregard the responsibility of the victim for the
14 victim's own injury if that responsibility is attributable to efforts by the victim:

15 1. to prevent a crime or delinquent act or an attempted crime
16 or delinquent act from occurring in the victim's presence; or

17 2. to apprehend an offender who had committed a crime or
18 delinquent act in the victim's presence or had committed a felony or delinquent act that
19 would be a felony if committed by an adult.

20 **(2)]** A claimant filing for injuries incurred as the occupant of a motor vehicle
21 or a dependent of an occupant of a motor vehicle operated in violation of § 21-902 of the
22 Transportation Article may not receive an award unless the claimant proves that the
23 occupant did not know or could not have known of the condition of the operator of the
24 vehicle.

25 **[(3)]** A claimant may not receive an award if:

26 (i) the victim initiated, consented to, provoked, or unreasonably
27 failed to avoid a physical confrontation with the offender; or

28 (ii) the victim was participating in a crime or delinquent act when
29 the injury was inflicted.]

30 **[(e)] (F)** (1) A victim or dependent may not be denied compensation **[solely]**
31 because the victim:

32 (i) is a relative of the offender; or

(ii) was living with the offender as a family member or household member at the time of the injury or death.

(2) If the Board can reasonably determine that the offender will not receive any economic benefit or undue enrichment from the compensation, the Board may award compensation to a victim or dependent who is a relative, family member, or household member of the offender.

11–811.

(a) (1) (i) Except as otherwise provided in this subsection, an award under this subtitle shall be made in accordance with the schedule of benefits, as it existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of the Labor and Employment Article and any other applicable provisions of the Labor and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment Article.

(ii) For determining the amount of an award under this subtitle, the term “average weekly wages” does not include tips, gratuities, and wages that are undeclared on the claimant’s State or federal income tax returns for the applicable years.

(iii) If a claimant does not have “average weekly wages” to qualify under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award shall be in an amount equal to the average of the maximum and minimum awards listed in the applicable portion of that subtitle.

(2) An award for loss of earnings or support made under this subtitle may be up to two-thirds of the victim’s gross average wage, but may not be less than the amount provided in paragraph (1) of this subsection.

(3) The parent or guardian of a victim who is a child and who resides with the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring for the victim.

(4) An award for funeral expenses may not exceed [\$7,500] **\$10,000**.

(5) Subject to the limitation under subsection (b)(3) of this section and § 11–812 of this subtitle, a person who is eligible for an award as the result of the death of a victim or psychological injury may be eligible, under the regulations that the Board adopts, to receive psychiatric, psychological, or mental health counseling.

(6) Subject to the limitation under subsection (b)(6) of this section and § 11–812 of this subtitle, a parent, child, **DOMESTIC PARTNER, DEPENDENT**, or spouse of a victim who resides with the victim and who is eligible for an award as the result of the injury of a victim is eligible to receive psychiatric, psychological, or mental health counseling.

(7) Subject to the limitation under subsection (b)(7) of this section and § 11–812 of this subtitle, a parent, child, **DOMESTIC PARTNER, DEPENDENT**, or spouse of a victim who died as a direct result of a crime or delinquent act is eligible for an award of up to 2 weeks of lost average weekly wages.

(b) Compensation awarded under this subtitle may not exceed:

(1) for a disability–related or dependency–related claim:

(i) except as provided in item (ii) of this paragraph, \$25,000; or

(ii) if the injury to the victim results in permanent total disability, up to an additional \$25,000 after a disability–related claim has been awarded to the victim;

(2) \$45,000 for a medical claim;

(3) **[\$10,000] \$45,000** for each claimant for psychiatric, psychological, or mental health counseling under subsection (a)(5) of this section;

(4) except as provided in item (1)(ii) of this subsection, a total of \$45,000, including any subsequent and supplemental awards;

(5) **[\$250] \$2,000** for each claimant for repair, replacement, or cleaning of property damaged, soiled, or littered as a result of a crime or law enforcement investigation of a crime, **INCLUDING THE COST OF REPLACING LOCKS**;

(6) for an award for psychiatric, psychological, or mental health counseling made under subsection (a)(6) of this section:

(i) \$10,000 for each claimant; and

(ii) \$20,000 for each incident; or

(7) \$2,000 for lost average weekly wage claims made under subsection (a)(7) of this section.

11–813.

(a) The Board may make an emergency award to the claimant before making a final decision in the case, if the Board determines, before taking action on the claim, that:

(1) an award likely will be made on the claim; and

(2) the claimant will suffer undue hardship unless immediate payment is made.

(b) **[(1)]** The amount of an emergency award under this section:

1 [(i)] (1) may not exceed [\$5,000] **\$10,000**; and

2 [(ii)] (2) shall be deducted from any final award made to the
3 claimant.

4 [(2) Except as provided in paragraph (3) of this subsection, a claimant shall
5 repay the Board:

6 (i) the excess of the amount of the emergency award over any final
7 award; or

8 (ii) if a final award is not made, all of the emergency award.

9 (3) On written request by a claimant, for a compelling reason the Board
10 may waive the requirement that a claimant repay an emergency award under paragraph
11 (2) of this subsection.]

12 (C) **UNLESS THE BOARD FINDS BY CLEAR AND CONVINCING EVIDENCE THAT**
13 **THE APPLICATION IS WITHOUT MERIT, THE BOARD SHALL MAKE EMERGENCY**
14 **AWARDS FOR:**

15 (1) **FUNERAL EXPENSES;**

16 (2) **CRIME SCENE CLEANUP; AND**

17 (3) **EMERGENCY RELOCATION.**

18 (D) **THE BOARD SHALL MAKE AVAILABLE PUBLICLY ON ITS WEBSITE A**
19 **FORM OR ONLINE APPLICATION PORTAL FOR VICTIMS TO APPLY FOR EMERGENCY**
20 **AWARDS.**

21 11-814.

22 (a) (1) Within 30 days after the receipt of a claim, the Board shall notify the
23 claimant **BY E-MAIL, PHONE, OR OTHER MANNER TO PROVIDE IMMEDIATE NOTICE** if
24 additional material is required.

25 (2) **THE BOARD SHALL DOCUMENT THE DATE AND TIME THAT NOTICE**
26 **IS ISSUED UNDER THIS SUBSECTION.**

27 (b) (1) Except as provided in paragraph (2) of this subsection, within [90] **30**
28 days after the receipt of a claim and all necessary supporting material, the Board **OR**
29 **EMPLOYEES OF THE BOARD** shall:

(i) complete the review and evaluation of each claim; and

(ii) file with the Executive Director a written report setting forth the decision and the reasons in support of the decision.

(2) For good cause shown, for a period not to exceed 1 year the Board may extend the time to file its report with the Executive Director after receipt of the claim and all necessary supporting material until the first to occur of the following events:

(i) the claimant no longer has expenses related to the crime; or

(ii) the claimant has been awarded the maximum amount authorized under §§ 11–811(b) and 11–812 of this subtitle.

(c) **(1)** Within 30 days after the receipt of a written report from the Board **OR AN EMPLOYEE OF THE BOARD**, the [Executive Director shall modify, affirm, or reverse the decision of the Board] **CLAIMANT MAY PETITION THE BOARD FOR RECONSIDERATION OF A DECISION MADE BY THE BOARD OR AN EMPLOYEE OF THE BOARD.**

(2) (I) WITHIN 30 DAYS AFTER THE RECEIPT OF A PETITION FOR RECONSIDERATION, THE BOARD SHALL ISSUE A DECISION.

(II) THE BOARD SHALL FILE WITH THE EXECUTIVE DIRECTOR A WRITTEN REPORT SETTING FORTH THE DECISION AND THE REASONS IN SUPPORT OF THE DECISION.

(3) A CLAIMANT MAY APPEAL THE DECISION OF THE BOARD ON A PETITION FOR RECONSIDERATION BY FILING A PETITION FOR JUDICIAL REVIEW IN ACCORDANCE WITH TITLE 7 OF THE MARYLAND RULES.

(d) [The decision of the Executive Director to affirm, modify, or reverse the decision of the Board is final.

(e)] The claimant shall be given a copy of [the final] **ANY** report [on request] **ISSUED BY THE BOARD OR AN EMPLOYEE OF THE BOARD.**

11–818.

(a) A person may not assert a false claim under this subtitle.

(b) A person who violates this section:

(1) is guilty of a misdemeanor and on conviction is subject to a fine not less than \$500 [or imprisonment not exceeding 1 year or both]; and

(2) shall forfeit any benefit received and reimburse the State for payments received or paid on the person's behalf under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–819.

(a) (1) There is a Criminal Injuries Compensation Fund.

(2) The Fund consists of:

(i) money distributed to the Fund from the additional court costs collected from defendants under § 7–409 of the Courts Article;

(ii) any investment earnings or federal matching funds received by the State for criminal injuries compensation; and

(iii) funds made available to the Fund from any other source.

(3) The Fund is a special continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The Treasurer shall separately hold the Fund and the Comptroller shall account for it.

(5) The Fund shall be invested and reinvested in the same manner as other State funds.

(6) The Fund is subject to audit by the Office of Legislative Audits as provided in § 2–1220 of the State Government Article.

(7) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION ADEQUATE TO ENSURE A BALANCE IN THE FUND.

(b) The Criminal Injuries Compensation Fund:

(1) shall be used to:

(i) carry out the provisions of this subtitle; and

(ii) distribute restitution payments forwarded to the Fund under § 9–614 of the Correctional Services Article; and

(2) may be used for:

(i) any award given under this subtitle; and

(ii) the costs of carrying out this subtitle.

(c) This section does not prohibit the Fund from receiving money from any other source.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2025.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.