E2 4lr4595 CF SB 471

By: The Speaker (By Request – Administration) and Delegates Allen, Alston, Amprey, Bagnall, Bartlett, Bhandari, Bouchat, Boyce, Crutchfield, Ebersole, Edelson, Fennell, Foley, Fraser-Hidalgo, Grossman, Guyton, Harris, Henson, Hill, Hornberger, Jackson, A. Johnson, S. Johnson, D. Jones, Kaiser, Kaufman, Lopez, Love, Mireku-North, Munoz, Palakovich Carr, Pasteur, Patterson, Phillips, Roberson, Roberts, Ruff, Ruth, Simmons, Simpson, Solomon, Spiegel, Stewart, Taveras, Taylor, Toles, Turner, Valderrama, Watson, Williams, and Ziegler

Introduced and read first time: January 24, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2024

1 AN ACT concerning

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Criminal Procedure – Victim Compensation – Alterations (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 funding in the annual budget bill for the Criminal Injuries Compensation Fund; and 10 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

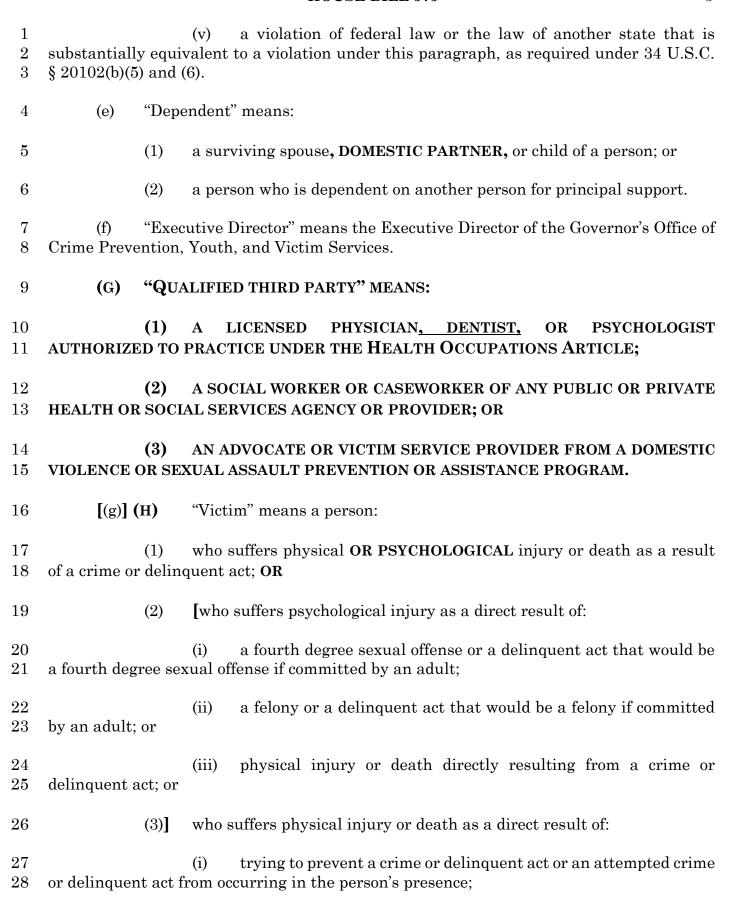
[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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

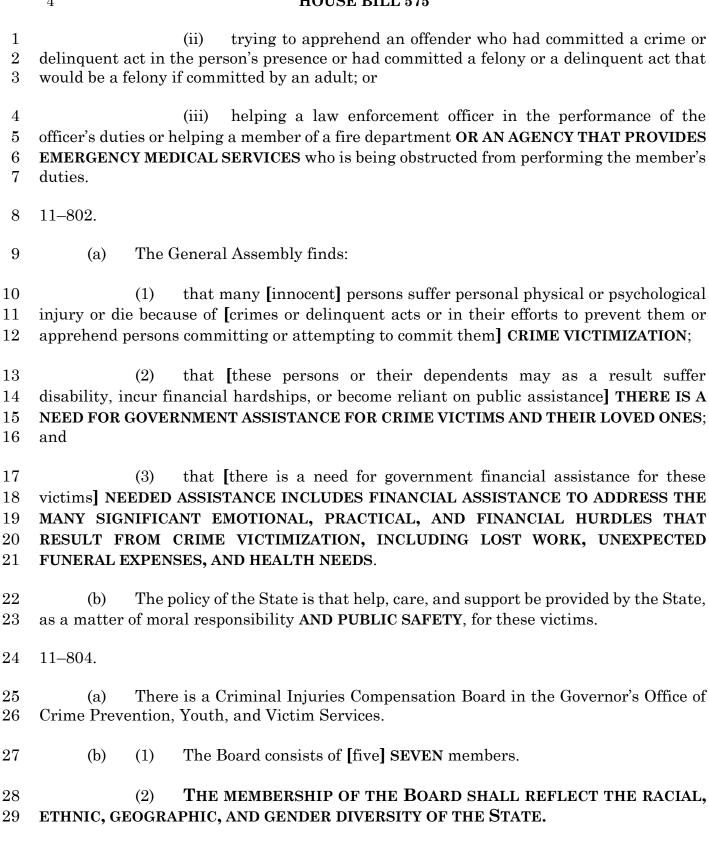


1	(2018 Replacement Volume and 2023 Supplement)								
2 3 4 5 6	BY repealing and reenacting, without amendments, Article – Criminal Procedure Section 11–804(a) Annotated Code of Maryland (2018 Replacement Volume and 2023 Supplement)								
7 8	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:								
9	Article - Criminal Procedure								
10	11–801.								
11	(a) In this subtitle the following words have the meanings indicated.								
12	(b) "Board" means the Criminal Injuries Compensation Board.								
13	(c) "Claimant" means the person filing a claim under this subtitle.								
14	(d) (1) "Crime" means:								
15 16	(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:								
17	1. this State; or								
18	2. another state against a resident of this State; or								
19 20 21	(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.								
22 23	(2) "Crime" does not include an act involving the operation of a vessel or motor vehicle unless the act is:								
24 25	(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;								
26	(ii) a violation of § 8–738 of the Natural Resources Article;								
27	(iii) a violation of the Criminal Law Article;								
28 29	(iv) operating a motor vehicle or vessel that results in an intentional injury; or								



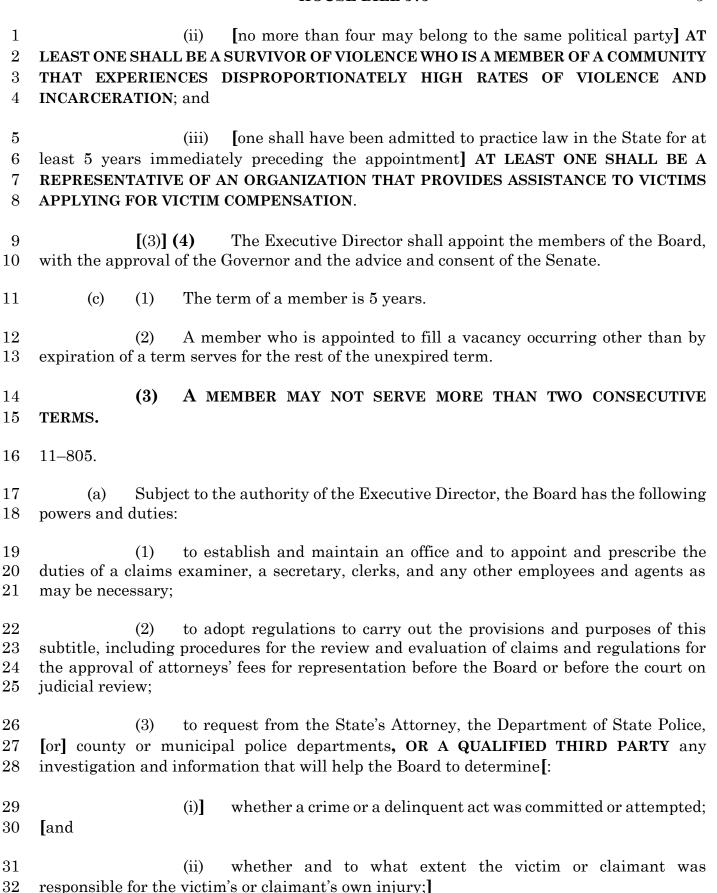
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(3)



one shall be a family member of a homicide victim; 31 (i)

Of the [five] **SEVEN** members of the Board:



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1 2 3 4	(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	(5) to direct medical examination of victims;
6 7 8	(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
9 10	(7) to take or cause to be taken affidavits or depositions within or outside the State[; and
11 12 13	(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].
14 15	(b) Except as otherwise provided by law, an employee of the Board is subject to the State Personnel and Pensions Article.
16 17 18	(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.
19 20	(2) A subpoena issued under this section is subject to the Maryland Rules] SHALL:
21 22 23 24 25	(1) MAY 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
26 27 28 29	(2) SHALL 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:
30	(I) THE NUMBER OF APPLICATIONS FILED WITH THE BOARD;
31	(II) THE NUMBER OF APPLICATIONS APPROVED;

(III) THE NUMBER OF APPLICATIONS DENIED;

1 2	(IV) AGGREGATED DATA REGARDING THE BASIS FOR EACH DENIAL;
3 4	(V) ANONYMIZED DATA INDICATING THE RACE, GENDER, AGE, AND COUNTY OF RESIDENCE OF VICTIMS;
5 6	(VI) ANONYMIZED DATA INDICATING THE CRIME INVOLVED IN EACH APPLICATION; AND
7 8 9	(VII) THE AVERAGE TIME IN BETWEEN THE BOARD RECEIVING AN APPLICATION, THE DETERMINATION OF ELIGIBILITY, AND THE FIRST DISBURSEMENT TO THE VICTIM.
10 11	(D) (1) A CLAIM BY A PERSON OTHER THAN THE VICTIM MAY NOT INCLUDE NARRATIVE DESCRIBING THE VICTIM OR A PHOTOGRAPH OF THE VICTIM.
12 13 14	(2) THE BOARD MAY NOT DISCLOSE THE IDENTITY OF OR INFORMATION THAT CLEARLY IDENTIFIES A VICTIM OF SEXUAL ASSAULT, CHILD ABUSE, STALKING, OR ELDER ABUSE.
15 16 17	(3) IF THE CONFIDENTIALITY OF A RECORD OR REPORT THAT THE BOARD OBTAINS IS PROTECTED BY LAW OR REGULATION, THE RECORD OR REPORT SHALL REMAIN CONFIDENTIAL, SUBJECT TO THE LAW OR REGULATION.
18	11–807.
19 20 21	(b) When a report of a [violent] crime is filed with a law enforcement unit, the law enforcement unit shall give to a victim of that [violent] crime written information that the Board supplies about compensation for victims.
22	11–808.
23 24	(a) (1) Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle:
25	(i) a victim;
26	(ii) a dependent of a victim who died as a direct result of:
27	1. a crime or delinquent act;
28 29 30	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 for had

- committed a felony or a delinquent act that would be considered a felony if committed by an adult]; or
- 3. helping a law enforcement officer perform the officer's
- 4 duties or helping a member of a fire department OR AN AGENCY THAT PROVIDES
- 5 EMERGENCY MEDICAL SERVICES who is obstructed from performing the member's
- 6 duties:
- 7 (iii) any person who paid or assumed responsibility for the funeral 8 expenses of a victim who died as a direct result of:
- 9 1. a crime or delinquent act;
- 10 2. trying to prevent a crime or delinquent act or an attempted
- 11 crime or delinquent act from occurring in the victim's presence or trying to apprehend a
- 12 person who had committed a crime or delinquent act in the victim's presence [or had
- 13 committed a felony]; or
- 14 3. helping a law enforcement officer perform the officer's
- 15 duties or helping a member of a fire department OR AN AGENCY THAT PROVIDES
- 16 EMERGENCY MEDICAL SERVICES who is obstructed from performing the member's
- 17 duties; and
- 18 (iv) 1. a parent, child, **DOMESTIC PARTNER, DEPENDENT**
- 19 MINOR, ADULT UNDER LEGAL GUARDIANSHIP, or spouse of a victim who resides with
- 20 the victim; or
- 2. a parent, child, **DOMESTIC PARTNER, DEPENDENT**
- 22 MINOR, ADULT UNDER LEGAL GUARDIANSHIP, or spouse of an individual who is
- 23 incarcerated for abuse as defined in § 4–501 of the Family Law Article and who, prior to
- 24 incarceration:
- A. resided with the parent, child, **DOMESTIC PARTNER**,
- 26 DEPENDENT MINOR, ADULT UNDER THEIR LEGAL GUARDIANSHIP, or spouse; and
- B. provided financial support to the parent, child, **DOMESTIC**
- 28 PARTNER, DEPENDENT MINOR, ADULT UNDER THE INDIVIDUAL'S LEGAL
- 29 **GUARDIANSHIP**, or spouse.
- 30 (2) A person who commits the crime or delinquent act that is the basis of a
- 31 claim, or an accomplice of the person, is not eligible to receive an award with respect to the
- 32 claim.
- 33 11-809.

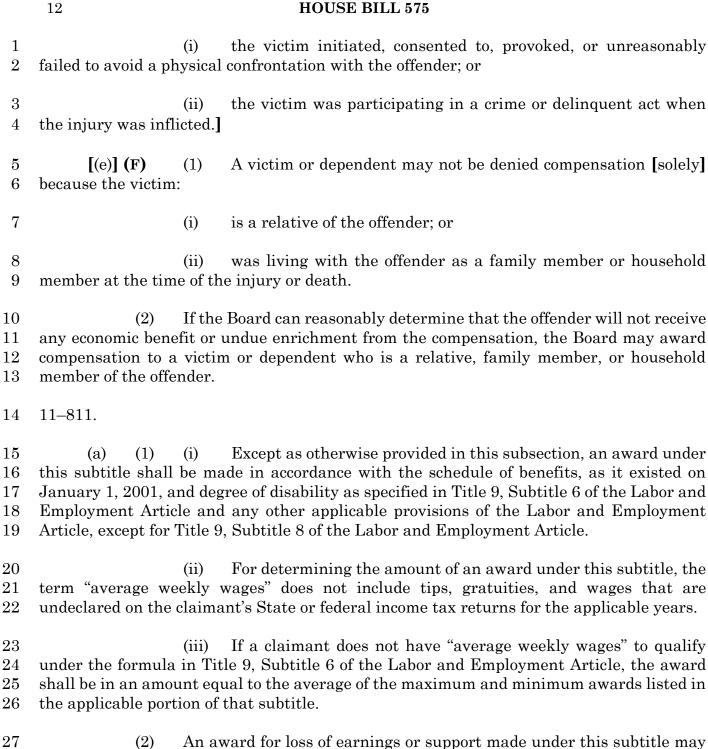
$\frac{1}{2}$	(a) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this subsection, a claimant shall file a claim within [3] 4 years after the later of:
3 4	(i) the discovery of the occurrence of the crime or delinquent act or the death of the victim; or
5	(ii) the earlier of:
6 7	1. the date the claimant discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act; or
8 9 10	2. the date the claimant, exercising ordinary diligence, should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act.
11	(2) In a case of child abuse, a claimant may file a claim[:
12 13	(i) up to the date the child who was the subject of the abuse reaches the age of 25 years; or
14 15 16	(ii) if the Board determines that there was good cause for failure to file a claim before the date the child who was the subject of the abuse reached the age of 25 years,] at any time.
17 18 19 20 21 22	(3) In a case [of sexual assault, a] WHERE THE FILING OF A CLAIM WAS DELAYED AS THE RESULT OF A DELAY IN THE TESTING OF DNA OR A DELAY IN DNA PROFILE MATCHING FROM A SEXUAL ASSAULT FORENSIC EXAMINATION KIT OR BIOLOGICAL MATERIAL RELATED TO A SEXUAL OFFENSE, A CLAIMANT SHALL FILE A CLAIM WITHIN 4 YEARS AFTER NOTIFICATION OF THE RESULTS OF THE TESTING OR DNA PROFILE MATCHING.
23 24 25	(4) A claimant may file a claim at any time if the Board determines that there was good cause for failure to file a claim within the time limits provided under paragraphs (1) and [(2)] (3) of this subsection.
26	11–810.
27	(a) [(1)] The Board may make an award only if the Board finds that:
28	[(i)] (1) a crime or delinquent act was committed; AND
29	[(ii)] (2) the crime or delinquent act directly resulted in:
30	[1.] (I) physical injury to or death of the victim; or

1 2	[2.] (II) psychological injury to the victim that necessitated mental health counseling[;
3 4 5 6	(iii) police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and
7	(iv) the victim has cooperated fully with all law enforcement units.
8 9	(2) For good cause, the Board may waive the requirements of paragraph (1)(iii) and (iv) of this subsection].
10	(b) THE BOARD SHALL ACCEPT AS EVIDENCE:
11	(1) A REPORT PRODUCED BY A LAW ENFORCEMENT AGENCY;
12 13	(2) MEDICAL RECORDS DOCUMENTING AN INJURY CONSISTENT WITH THE ALLEGED CRIME;
14	(3) A SWORN STATEMENT FROM A QUALIFIED THIRD PARTY;
15 16	(4) A PEACE ORDER ISSUED UNDER TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE;
17 18	(5) A PROTECTIVE ORDER ISSUED UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; AND
19	(6) ANY OTHER EVIDENCE THE BOARD CONSIDERS PROBATIVE.
20 21 22 23	(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.
24 25	[(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:
26 27	(1) incurred at least \$100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for:
28	(i) medical care, INCLUDING THE COST OF MEDICAL SUPPLIES;
29	(ii) expenses for eyeglasses and other corrective lenses;

1	(iii) mental health counseling;
2	(iv) funeral expenses;
3	(v) repairing, replacing, or cleaning property;
4 5	(vi) disability or dependent claim, OR ANY ASSISTIVE TECHNOLOGY RELATED TO A DISABILITY OR DEPENDENT CLAIM; [or]
6 7	(VII) THE COSTS OF ONE-TIME RELOCATION, INCLUDING ANY SECURITY DEPOSIT;
8 9	(VIII) CHILD CARE EXPENSES INCURRED AS A RESULT OF SEEKING MEDICAL OR PSYCHOLOGICAL CARE;
10 11	(IX) TRANSPORTATION COSTS INCURRED BY TRAVEL TO SEEK MEDICAL OR PSYCHOLOGICAL CARE; OR
12	[(vii)] (X) other necessary services; or
13	(2) lost at least \$100 in earnings or support.
14 15 16 17	[(d)] (E) [(1) (i) Except as provided under subparagraph (ii) of this paragraph, in considering a claim and in determining the amount of an award, the Board shall determine whether the victim's conduct contributed to the infliction of the victim's injury, and, if so, reduce the amount of the award or reject the claim.
18 19	(ii) The Board may disregard the responsibility of the victim for the victim's own injury if that responsibility is attributable to efforts by the victim:
20 21	1. to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence; or
22 23 24	2. to apprehend an offender who had committed a crime or delinquent act in the victim's presence or had committed a felony or delinquent act that would be a felony if committed by an adult.
25 26 27 28 29	(2)] A claimant filing for injuries incurred as the occupant of a motor vehicle or a dependent of an occupant of a motor vehicle operated in violation of § 21–902 of the Transportation Article may not receive an award unless the claimant proves that the occupant did not know or could not have known of the condition of the operator of the vehicle.
30	[(3) A claimant may not receive an award if:

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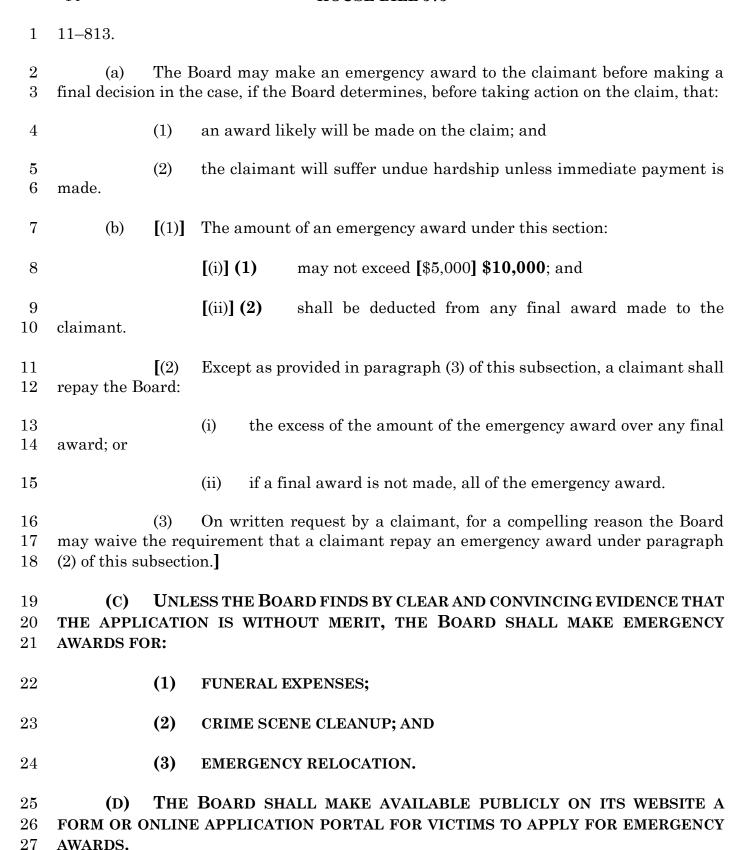
30 The parent or guardian of a victim who is a child and who resides with 31 the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring 32 for the victim.

provided in paragraph (1) of this subsection.

be up to two-thirds of the victim's gross average wage, but may not be less than the amount

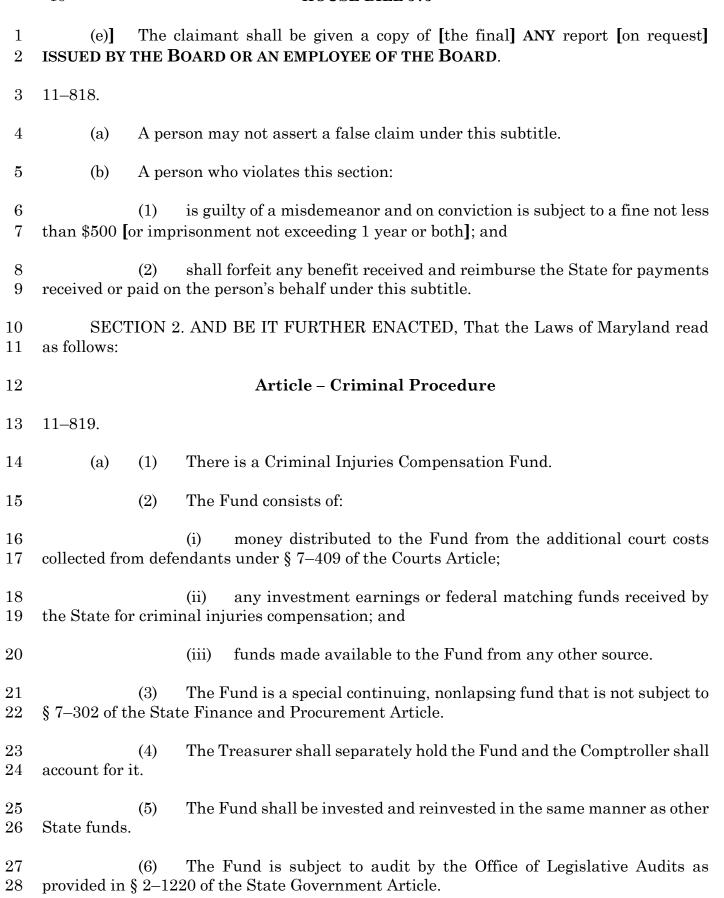
33 **(4)** An award for funeral expenses may not exceed [\$7,500] **\$10,000**.

- 1 Subject to the limitation under subsection (b)(3) of this section and § 2 11–812 of this subtitle, a person who is eligible for an award as the result of the death of a 3 victim or psychological injury may be eligible, under the regulations that the Board adopts, 4 to receive psychiatric, psychological, or mental health counseling. 5 Subject to the limitation under subsection (b)(6) of this section and § (6)6 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 8 injury of a victim is eligible to receive psychiatric, psychological, or mental health 9 counseling. 10 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 11 a victim who died as a direct result of a crime or delinquent act is eligible for an award of 12 13 up to 2 weeks of lost average weekly wages. 14 (b) Compensation awarded under this subtitle may not exceed: for a disability-related or dependency-related claim: 15 (1) 16 (i) except as provided in item (ii) of this paragraph, \$25,000; or 17 if the injury to the victim results in permanent total disability, (ii) 18 up to an additional \$25,000 after a disability-related claim has been awarded to the victim; 19 (2)\$45,000 for a medical claim; 20 [\$10,000] \$45,000 for each claimant for psychiatric, psychological, or 21 mental health counseling under subsection (a)(5) of this section; 22 **(4)** except as provided in item (1)(ii) of this subsection, a total of \$45,000, 23including any subsequent and supplemental awards; 24 [\$250] **\$2,000** for each claimant for repair, replacement, or cleaning of (5)25 property damaged, soiled, or littered as a result of a crime or law enforcement investigation 26 of a crime, INCLUDING THE COST OF REPLACING LOCKS; 27 for an award for psychiatric, psychological, or mental health counseling (6)28made under subsection (a)(6) of this section: 29 (i) \$10,000 for each claimant; and 30 \$20,000 for each incident; or (ii)
- 31 (7) \$2,000 for lost average weekly wage claims made under subsection 32 (a)(7) of this section.



28 11-814.

- 1 Within 30 days after the receipt of a claim, the Board shall notify the (a) **(1)** 2 claimant BY E-MAIL, PHONE, OR OTHER MANNER TO PROVIDE IMMEDIATE NOTICE if 3 additional material is required.
- 4 THE BOARD SHALL DOCUMENT THE DATE AND TIME THAT NOTICE **(2)** 5 IS ISSUED UNDER THIS SUBSECTION.
- 6 (b) Except as provided in paragraph (2) of this subsection, within [90] 30 7 days after the receipt of a claim and all necessary supporting material, the Board OR 8 **EMPLOYEES OF THE BOARD** shall:
- 9 (i) complete the review and evaluation of each claim; and
- 10 (ii) file with the Executive Director a written report setting forth the 11 decision and the reasons in support of the decision.
- 12 For good cause shown, for a period not to exceed 1 year the Board may 13 extend the time to file its report with the Executive Director after receipt of the claim and 14 all necessary supporting material until the first to occur of the following events:
- 15 the claimant no longer has expenses related to the crime; or (i)
- 16 the claimant has been awarded the maximum amount (ii) 17 authorized under §§ 11–811(b) and 11–812 of this subtitle.
- 18 (c) Within 30 days after the receipt of a written report from the Board **OR (1)** AN EMPLOYEE OF THE BOARD, the [Executive Director shall modify, affirm, or reverse 19 decision of the Board CLAIMANT MAY PETITION THE BOARD FOR 20 21 RECONSIDERATION OF A DECISION MADE BY THE BOARD OR AN EMPLOYEE OF THE
- 22BOARD.
- 23**(2)** WITHIN 30 DAYS AFTER THE RECEIPT OF A PETITION FOR (I)RECONSIDERATION, THE BOARD SHALL ISSUE A DECISION. 24
- 25(II)THE BOARD SHALL FILE WITH THE EXECUTIVE DIRECTOR 26 A WRITTEN REPORT SETTING FORTH THE DECISION AND THE REASONS IN SUPPORT 27 OF THE DECISION.
- 28 **(3)** A CLAIMANT MAY APPEAL THE DECISION OF THE BOARD ON A 29 PETITION FOR RECONSIDERATION BY FILING A PETITION FOR JUDICIAL REVIEW IN ACCORDANCE WITH TITLE 7 OF THE MARYLAND RULES. 30
- The decision of the Executive Director to affirm, modify, or reverse the 31 32 decision of the Board is final.



1 2 3			MAY I	FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, NCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION A BALANCE IN THE FUND.	
4	(b)	The (Crimina	al Injuries Compensation Fund:	
5		(1)	shall	be used to:	
6			(i)	carry out the provisions of this subtitle; and	
7 8	9–614 of the	· Corre	(ii) ectional	distribute restitution payments forwarded to the Fund under § Services Article; and	
9		(2)	may l	be used for:	
10			(i)	any award given under this subtitle; and	
11			(ii)	the costs of carrying out this subtitle.	
12 13	(c) source.	This	section	does not prohibit the Fund from receiving money from any other	
14 15	SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2025.				
16 17	, , , 1				
	Approved:				
				Governor.	
Speaker of the House of Delegates.					

President of the Senate.