

HOUSE BILL 1244

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4lr2522
CF SB 830

By: **Delegates Waldstreicher and Valderrama**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Child Abuse**
3 **Victims**

4 FOR the purpose of altering the date by which, in a case of child abuse, a certain
5 claimant may file a claim with the Criminal Injuries Compensation Board; and
6 generally relating to the Criminal Injuries Compensation Board.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Procedure
9 Section 11–808
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2013 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 11–809(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2013 Supplement)

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

19 **Article – Criminal Procedure**

20 11–808.

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.



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

3 (i) a victim;

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

5 1. a crime or delinquent act;

6 2. trying to prevent a crime or delinquent act or an
7 attempted crime or delinquent act from occurring in the victim's presence or trying to
8 apprehend a person who had committed a crime or delinquent act in the victim's
9 presence or had committed a felony or a delinquent act that would be considered a
10 felony if committed by an adult; or

11 3. helping a law enforcement officer perform the officer's
12 duties or helping a member of a fire department who is obstructed from performing
13 the member's duties;

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

16 1. a crime or delinquent act;

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

21 3. helping a law enforcement officer perform the officer's
22 duties or helping a member of a fire department who is obstructed from performing
23 the member's duties; and

24 (iv) 1. a parent, child, or spouse of a victim who resides with
25 the victim; or

26 2. a parent, child, or spouse of an individual who is
27 incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior
28 to incarceration:

29 A. resided with the parent, child, or spouse; and

30 B. provided financial support to the parent, child, or
31 spouse.

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

4 (b) A resident of the State is eligible for an award under this subtitle if the
5 resident becomes a victim in another state other than this State that:

6 (1) does not operate a criminal injuries compensation program;

7 (2) operates a criminal injuries compensation program for which the
8 victim is ineligible; or

9 (3) operates a criminal injuries compensation program for which
10 money has not been appropriated or made available.

11 (c) (1) A person eligible to receive an award under subsection (a) or (b) of
12 this section may file a claim under this subtitle.

13 (2) If a person eligible to receive an award is under 18 years of age, the
14 person's parent or guardian may file a claim under this subtitle.

15 (3) If a person eligible to receive an award is mentally incompetent,
16 the person's guardian or other person authorized to administer the person's estate
17 may file the claim on the person's behalf.

18 11-809.

19 (a) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
20 **SUBSECTION, A claimant shall file a claim not later than 3 years after the occurrence**
21 **of the crime or delinquent act or the death of the victim.**

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

23 **(I) up to [3 years after the claimant knew or should have**
24 **known of the child abuse] THE DATE THE CHILD WHO WAS THE SUBJECT OF THE**
25 **ABUSE REACHES THE AGE OF 25 YEARS; OR**

26 **(II) IF THE BOARD DETERMINES THAT THERE WAS GOOD**
27 **CAUSE FOR FAILURE TO FILE A CLAIM BEFORE THE DATE THE CHILD WHO WAS**
28 **THE SUBJECT OF THE ABUSE REACHED THE AGE OF 25 YEARS, AT ANY TIME.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2014.