

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 355
 Judiciary

(Delegate Rosenberg)

Judicial Proceedings

Criminal Procedure - Programs for Survivors of Homicide Victims

This bill requires the Governor’s Office of Crime Control and Prevention (GOCCP) to help establish and expand programs for survivors of homicide victims in the State.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: General fund expenditures increase by \$500,000 annually for GOCCP to provide grants for the programs. The FY 2015 budget includes \$500,000 for a new victims of crime grant program to assist families of homicide victims, but the funding is not contingent on the enactment of legislation. The bill’s requirements can be handled with existing staff.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	500,000	500,000	500,000	500,000	500,000
Net Effect	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The stated purpose of the bill is to facilitate programs that address the special needs of survivors of homicide victims.

The programs required under the bill must (1) serve survivors of homicide victims in all parts of the State; (2) provide or facilitate referrals to appropriate counseling, legal, mental health, and advocacy services for survivors of homicide victims, including specialized support services to adult and minor survivors of homicide victims; and (3) provide a toll-free telephone number and assistance to exercise the rights to which the survivors are entitled by law.

The bill requires GOCCP to award grants to public or private nonprofit organizations to operate the programs for survivors of homicide victims. GOCCP must regularly consult, collaborate with, and consider the recommendations of service providers to survivors of homicide victims regarding programs, policies, practices, and procedures that impact the survivors.

Money for the programs must be as provided in the annual State budget and must be used to supplement, but not supplant, money that the programs receive from other sources.

The Executive Director of GOCCP must include a report on these programs in the annual report submitted by GOCCP to the General Assembly.

Current Law/Background: GOCCP is responsible for the development and revision of the Maryland Crime Control and Prevention Strategy. The strategy's four key elements involve targeting high-risk offenders; reclaiming at-risk neighborhoods; protecting and supporting victims; and preventing youth violence, drug use, and gangs. The office administers numerous federal and State grant programs and serves as a clearinghouse for information, research, and analysis relating to crime control and prevention policy. One of its identified key goals involves the administration of funds to State and local law enforcement and criminal justice agencies to improve the delivery of services.

In 2013, GOCCP advised that one of its primary objectives as the State administering agency for law enforcement grants is to increase productivity, customer service, and interagency workings. Electronic submission of reports requires fewer resources than processing a hard copy, which in turn, enables the office to be more efficient. GOCCP initiated a new Grant Management System in December 2012.

Article 47 of the Declaration of Rights provides that (1) a victim of crime must be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process; (2) in a case originating by indictment or information filed in a circuit court, a victim of crime has the right to be informed of his/her rights and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented; and (3) nothing in Article 47 permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.

The Maryland Victims of Crime Fund (MVOC) is used to pay for carrying out (1) Article 47 of the Maryland Declaration of Rights; (2) the guidelines for the treatment and assistance for victims and witnesses of crimes and delinquent acts; and (3) any laws enacted to benefit victims and witnesses of crimes and delinquent acts. MVOC is administered by the State Board of Victim Services in GOCCP and pays for its own administrative costs. The fiscal 2015 budget includes approximately \$1.36 million in special funds for MVOC.

The Criminal Injuries Compensation Fund (CICF) within the Department of Public Safety and Correctional Services is a special fund that provides financial assistance for innocent victims of crime. The Criminal Injuries Compensation Board may compensate victims who suffer physical or psychological injury for their medical expenses and loss of earnings, but only if the injury is a direct result of a criminal or delinquent offense. In cases of homicide, the board may assist with funeral expenses and loss of support on the part of the victim's dependents. A claimant seeking compensation from CICF must file a claim no later than three years after the occurrence of the crime or delinquent act or the death of the victim. In a case of child abuse, a claimant may file a claim up to three years after the claimant knew or should have known of the abuse. 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. Funding for grant awards made from CICF to victims of crime totals \$4.0 million in the fiscal 2015 budget.

State Expenditures: General fund expenditures increase by \$500,000 in fiscal 2015 for GOCCP to provide grants to public or private nonprofit organizations to operate the programs for survivors of homicide victims. The fiscal 2015 budget includes a total of \$26.4 million in general funds for GOCCP's grant programs, which includes \$500,000 in general funds for a new grant program to assist families of homicide victims (referred to as the Victims of Crime Grant Program). The funding for the new grant program is not contingent on the enactment of legislation.

Although the amount of funding that will be provided in future year State budgets for the new grant program is unknown, it is assumed that approximately \$500,000 annually is needed to operate a minimum viable program as outlined by the bill. Because GOCCP receives the majority of financial reports from grantees electronically, and because this program represents a small portion of the total amount of grant funding GOCCP provides each year, it is assumed that GOCCP can implement the bill with existing staff. To the extent existing staff prove insufficient, an additional position may be requested through the annual budget process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention,
Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2014
mm/lgc Revised - Enrolled Bill - April 30, 2014

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510