

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 672

(Senator West)

Judicial Proceedings

Criminal Injuries Compensation Board - Compensation to Claimants

This bill increases the maximum amount of specified claims to the Criminal Injuries Compensation Board (CICB) and authorizes CICB to negotiate a settlement with a person that has provided funeral or death-related services in relation to the death of a victim. The bill also (1) alters the timeframes in which a claimant must file a claim for compensation from CICB; (2) authorizes the electronic filing of a claim to CICB, in the manner provided under procedures established by CICB for compensation under the Criminal Injuries Compensation Fund (CICF); and (3) expands specified requirements and prohibitions relating to claims to CICB to include funeral or death-related services. The provisions increasing the maximum amount of specified claims and authorization for CICB to negotiate a specified settlement are prospective and do not apply to any claim due to a crime committed before the bill's effective date. **The bill takes effect January 1, 2020.**

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources and is not anticipated to materially affect the overall finances of CICF, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill increases claims to CICB as follows:

- the maximum award for funeral expenses increases from \$5,000 to \$7,500;
- the maximum award for specified psychiatric, psychological, or mental health counseling increases from \$5,000 to \$10,000, with the maximum for each claimant increasing from \$1,000 to \$10,000 and the maximum for each incident increasing from \$5,000 to \$20,000; and
- the maximum amount of an emergency award increases from \$2,000 to \$5,000.

The bill generally requires a claimant to file a claim within three years after the later of:

- the discovery of the occurrence of the crime or delinquent act or the death of the victim; or
- the earlier of (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 the death of the victim or (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 or the death of the victim.

However, in a case of sexual assault, a claimant is authorized to file a claim at any time if CICB determines there was good cause for failure to file a claim within the otherwise required time limits.

The bill includes persons who have provided funeral or death-related services in relation to the death of a victim within the prohibition against engaging in debt collection activities until a final decision is made on a claim and requires the court to stay all proceedings in an action relating to funeral or death-related services until the court is notified that a final decision on the claim has been made. A person that has provided funeral or death-related services who receives notice that a claim has been filed may notify CICB in writing of the debt owed by the claimant in connection with the claim and must be notified by CICB in writing when a final decision is made on the claim. After a final decision on a claim, a notified funeral or death-related services provider may engage in debt collection activities or file a civil action until the later of (1) the expiration of the time for filing the action or (2) six months after the date of the final decision on the criminal injuries claim.

Current Law: CICF, within the Victim Services Unit of the Governor's Office of Crime Control and Prevention (GOCCP), is a special fund that provides financial assistance for innocent victims of crime. CICB may compensate victims who suffer physical or psychological injury for the victim's 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, delinquent act, or the death of the victim. In a case of child abuse, a claimant may file a claim up to (1) the date the abused child reaches age 25 or (2) at any time, if CICB decides there was good cause for the failure to timely file a claim. 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.

The processing of debt collection relating to health care while a claimant is awaiting a compensation judgment from CICB is prohibited. A court must stay all proceedings in an action related to health care provided to a claimant until notified that a final decision in the criminal injuries compensation claim is made. After a final decision on a claim, a notified health care provider may engage in debt collection activities or file a civil action until the later of (1) the expiration of the time for filing the action or (2) six months after the date of the final decision on the criminal injuries claim.

Funding for the assistance is generated by CICF from fees assessed by circuit and District Courts. CICF is also supplemented by federal funds. Claims to CICF must be filed in the CICB office in person or by mail.

Background: Chapter 515 of 2016 (the Justice Reinvestment Act) required GOCCP to study restitution and make recommendations concerning the restitution process, including determining which State unit should assume the duties regarding collection of restitution. In the December 2016 [Report on Restitution Study](#), GOCCP recommended that a new unit called the Victims' Services Unit be formed within GOCCP to collect data, develop best practices, and coordinate with State and local entities regarding restitution. Chapter 422 of 2018 established a Victim Services Unit in GOCCP and transferred the oversight functions and operations relating to CICB and CICF from the Department of Public Safety and Correctional Services (DPSCS) to GOCCP.

State Expenditures: GOCCP has previously advised that it initially plans to implement electronic filing of CICB claims by allowing filing by email and fax, which has no impact on State expenditures. In the future, GOCCP may consider moving to a web-based application system. In addition, GOCCP advises that the set up and customization cost for a web-based application system is \$24,900, with an additional annual cost of \$5,900 for web hosting and support. GOCCP further advises that the creation of such system will likely be done in conjunction with other scheduled information technology upgrades and can be handled with existing resources at that time.

The Governor's proposed fiscal 2020 budget includes approximately \$2.9 million in funding for grant awards made from CICF to victims of crime. Funding for these grants is

paid for by CICF from fees assessed by circuit courts and the District Court. CICF is also supplemented by federal funds.

While the bill has the potential to increase the maximum amount of awards made for specified claims, the overall finances of CICF are not anticipated to be materially affected. As a result of the transfer of CICF from DPSCS to GOCCP, GOCCP advises that the office expects funds to CICF from the federal Victims of Crime Act to increase by approximately \$820,000 annually beginning in fiscal 2022, which will increase the amount of funding available for grant awards made from CICF to victims of crime at that time.

Additional Information

Prior Introductions: None.

Cross File: HB 968 (Delegate W. Fisher, *et al.*) - Judiciary.

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

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