

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 493
Judiciary

(Delegates Cox and Arikan)

Criminal Procedure - Criminal Injuries Compensation Fund - Conditions for
Awards on Claims

This bill authorizes the Criminal Injuries Compensation Board (CICB) to make an award from the Criminal Injuries Compensation Fund (CICF) to a crime victim if the crime or delinquent act directly resulted in damage to the property of the victim. The bill requires the board to waive, for good cause shown, the requirements that (1) 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 (2) the victim has cooperated fully with all law enforcement units.

Fiscal Summary

State Effect: Potential minimal increase in special fund expenditures from the Governor's Office of Crime Control and Prevention (GOCCP) to the extent the bill increases the total amount of grants awarded from CICF. Revenues are not affected.

Local Effect: The bill is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: CICF, within the Victim Services Unit of GOCCP, is a special fund that provides financial assistance for innocent victims of crime. A claimant seeking compensation from CICF must 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 (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.

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

The board may make an award only if the board finds that:

- a crime or delinquent act was committed;
- the crime or delinquent act directly resulted in (1) physical injury to or death of the victim or (2) psychological injury to the victim that necessitated mental health counseling;
- 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
- the victim has cooperated fully with all law enforcement units.

For good cause, the board may waive the last two requirements specified above.

Awards may be made for lost wages, medical expenses, counseling, crime scene cleanup (repairing, replacing, or cleaning property), and, for homicide victims, funeral expenses. 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 specified necessary expenses or (2) lost at least \$100 in earnings or support. Compensation awarded from the fund may not exceed specified limitations as set forth in statutory provisions. Funding for these awards is provided by CICF from fees assessed by circuit and District courts. CICF is also supplemented by federal funds.

An award must be reduced by the amount of any payment received or to be received as a result of the injury (1) from or on behalf of the offender; (2) from any other public or private source, including an award under the Maryland Workers' Compensation Act; (3) from any

proceeds of life insurance in excess of \$25,000; or (4) as an emergency award from CICB. If there are two or more persons entitled to an award as a result of the death of a victim, the award must be apportioned among the claimants. 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.

State Expenditures: Any potential fiscal impact to CICF is projected to be minimal. Currently, awards from CICF may be made for repairing, replacing, or cleaning property; however, if additional awards are made as a result of the authorization for CICB to make awards for damage to the property of the victim, special fund expenditures increase minimally.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Department of Public Safety and Correctional Services; Department of Legislative Services

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an/jkb

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