

HOUSE BILL 549

E2

2lr2353

By: **Delegates McKay and Kipke**

Introduced and read first time: January 31, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Victim**
3 **Compensation**

4 FOR the purpose of increasing the maximum compensation that may be awarded by the
5 Criminal Injuries Compensation Board for psychiatric, psychological, or mental
6 health counseling; prohibiting the Board from setting maximum compensation
7 thresholds lower than the thresholds established in a certain provision of law; and
8 generally relating to the Criminal Injuries Compensation Board.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–811
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

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

16 **Article – Criminal Procedure**

17 11–811.

18 (a) (1) (i) Except as otherwise provided in this subsection, an award under
19 this subtitle shall be made in accordance with the schedule of benefits, as it existed on
20 January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of the Labor and
21 Employment Article and any other applicable provisions of the Labor and Employment
22 Article, except for Title 9, Subtitle 8 of the Labor and Employment Article.

23 (ii) For determining the amount of an award under this subtitle, the
24 term “average weekly wages” does not include tips, gratuities, and wages that are
25 undeclared on the claimant’s State or federal income tax returns for the applicable years.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) If a claimant does not have “average weekly wages” to qualify
2 under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award
3 shall be in an amount equal to the average of the maximum and minimum awards listed in
4 the applicable portion of that subtitle.

5 (2) An award for loss of earnings or support made under this subtitle may
6 be up to two-thirds of the victim’s gross average wage, but may not be less than the amount
7 provided in paragraph (1) of this subsection.

8 (3) The parent or guardian of a victim who is a child and who resides with
9 the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring
10 for the victim.

11 (4) An award for funeral expenses may not exceed \$7,500.

12 (5) Subject to the limitation under subsection (b)(3) of this section and §
13 11-812 of this subtitle, a person who is eligible for an award as the result of the death of a
14 victim or psychological injury may be eligible, under the regulations that the Board adopts,
15 to receive psychiatric, psychological, or mental health counseling.

16 (6) Subject to the limitation under subsection (b)(6) of this section and §
17 11-812 of this subtitle, a parent, child, or spouse of a victim who resides with the victim
18 and who is eligible for an award as the result of the injury of a victim is eligible to receive
19 psychiatric, psychological, or mental health counseling.

20 (7) Subject to the limitation under subsection (b)(7) of this section and §
21 11-812 of this subtitle, a parent, child, or spouse of a victim who died as a direct result of
22 a crime or delinquent act is eligible for an award of up to 2 weeks of lost average weekly
23 wages.

24 (b) Compensation awarded under this subtitle may not exceed:

25 (1) for a disability-related or dependency-related claim:

26 (i) except as provided in item (ii) of this paragraph, \$25,000; or

27 (ii) if the injury to the victim results in permanent total disability,
28 up to an additional \$25,000 after a disability-related claim has been awarded to the victim;

29 (2) \$45,000 for a medical claim;

30 (3) ~~[\$10,000]~~ **\$45,000** for each claimant for psychiatric, psychological, or
31 mental health counseling under subsection (a)(5) of this section;

32 (4) except as provided in item (1)(ii) of this subsection, a total of \$45,000,
33 including any subsequent and supplemental awards;

1 (5) \$250 for each claimant for repair, replacement, or cleaning of property
2 damaged, soiled, or littered as a result of a crime or law enforcement investigation of a
3 crime;

4 (6) for an award for psychiatric, psychological, or mental health counseling
5 made under subsection (a)(6) of this section:

6 (i) \$10,000 for each claimant; and

7 (ii) \$20,000 for each incident; or

8 (7) \$2,000 for lost average weekly wage claims made under subsection
9 (a)(7) of this section.

10 (c) An award made under this subtitle shall be reduced by the amount of any
11 payments received or to be received as a result of the injury:

12 (1) from or on behalf of the offender;

13 (2) except as provided in item (3) of this subsection, from any other public
14 or private source, including an award of the State Workers' Compensation Commission
15 under the Maryland Workers' Compensation Act;

16 (3) from any proceeds of life insurance in excess of \$25,000; or

17 (4) as an emergency award under § 11–813 of this subtitle.

18 (d) If there are two or more persons entitled to an award as a result of the death
19 of a victim, the award shall be apportioned among the claimants.

20 (e) The Board may negotiate a settlement with:

21 (1) a health care provider for the medical and medically related expenses;
22 or

23 (2) a person that has provided funeral or death–related services in relation
24 to the death of a victim.

25 **(F) THE BOARD MAY NOT SET MAXIMUM COMPENSATION AWARD**
26 **THRESHOLDS LOWER THAN THE THRESHOLDS PROVIDED IN SUBSECTION (B) OF**
27 **THIS SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2022.