

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 549
Judiciary

(Delegates McKay and Kipke)

**Criminal Procedure - Criminal Injuries Compensation Board - Victim
Compensation**

This bill increases, from \$10,000 to \$45,000, the maximum compensation that may be awarded by the Criminal Injuries Compensation Board (CICB) per claimant for specified psychiatric, psychological, or mental health counseling and prohibits CICB from setting maximum compensation award thresholds lower than specified thresholds in statute.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: CICF, within the Victim Services Unit of the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS), is a special fund from which CICB awards grants to innocent victims of crime who incur financial hardship as a result of crime. Awards may be made for lost wages, medical expenses, counseling, crime scene cleanup, 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 the following limitations:

- for a disability-related or dependency-related claim: \$25,000 or if the injury to the victim results in permanent total disability, up to an additional \$25,000 after a disability-related claim has been awarded to the victim;
- \$45,000 for a medical claim;
- \$10,000 for each claimant for psychiatric, psychological, or mental health counseling as a result of the death of a victim or psychological injury, as specified;
- with specified exceptions, a total of \$45,000, including any subsequent and supplemental awards;
- \$250 for each claimant for repair, replacement, or cleaning of property damaged, soiled, or littered as a result of a crime or law enforcement investigation of a crime;
- \$10,000 for each claimant and \$20,000 for each incident for psychiatric, psychological, or mental health counseling for a parent, child, or spouse of a victim who resides with the victim and who is eligible for an award, as specified; or
- \$2,000 for lost average weekly wage claims, as specified.

Funding for these awards is generated by CICF from fees assessed by circuit and District Courts. The fund is also supplemented by federal funds. Claims to CFCF must be filed in the CICB office in person or by mail. The CICB Resource Guide can be found [here](#).

State Expenditures: The Governor’s proposed fiscal 2023 budget includes approximately \$3.1 million in special funds (plus federal funds) for CFCF/CICB. GOCPYVS advises that in fiscal 2021, CICB processed 17 counseling claims, and the majority of the claims generated for counseling services were slightly above \$5,000 (below the existing statutory cap of \$10,000). Thus, while the bill has the potential to increase the maximum amount of awards made for specific claims, the overall finances of CFCF solely attributable to the bill are not anticipated to be materially affected.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Governor’s Office of Crime Prevention, Youth, and Victim Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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