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By: Delegates Cox and Arikan

Introduced and read first time: January 24, 2020

Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning			
2 3	· · · · · · · · · · · · · · · · · · ·			
4 5 6 7 8	award if a crime or delinquent act directly resulted in damage to the property of a certain victim under certain circumstances; requiring the Board to waive certain requirements if good cause is shown; and generally relating to the Criminal Injuries			
9 10 11 12 13	Article – Criminal Procedure Section 11–810 Annotated Code of Maryland			
14 15	,			
16	Article – Criminal Procedure			
17	11–810.			
18	(a) (1) The Board may make an award only if the Board finds that:			
19	(i) a crime or delinquent act was committed;			
20	(ii) the crime or delinquent act directly resulted in:			
21	1. physical injury to or death of the victim; [or]			



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$1\\2$	± *	logical injury to the victim that necessitated mental	
3	3. DAMA	GE TO THE PROPERTY OF THE VICTIM;	
4 5 6 7	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		
8	8 (iv) the victim ha	s cooperated fully with all law enforcement units.	
9 10	` '	SHOWN, the Board [may] SHALL waive the iv) of this subsection.	
11 12	` '	s established, family members are considered to be m they reside without regard to actual earnings.	
13 14	• • • • • • • • • • • • • • • • • • • •	ward only if the claimant, as a result of the injury	
15 16	* /	00 in unreimbursed and unreimbursable expenses claimed for:	
17	(i) medical care;		
18	18 (ii) expenses for o	eyeglasses and other corrective lenses;	
19	19 (iii) mental health	n counseling;	
20	20 (iv) funeral exper	ases;	
21	(v) repairing, rep	placing, or cleaning property;	
22	22 (vi) disability or o	lependent claim; or	
23	23 (vii) other necessa	ry services; or	
24	24 (2) lost at least \$100 in	earnings or support.	
25 26 27 28	considering a claim and in determining whether the victim's conduct contribute	vided under subparagraph (ii) of this paragraph, in the amount of an award, the Board shall determine ed to the infliction of the victim's injury, and, if so, et the claim.	
29	29 (ii) The Board m	ay disregard the responsibility of the victim for the	

victim's own injury if that responsibility is attributable to efforts by the victim:

$\frac{1}{2}$	1. to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence; or		
3 4 5	2. to apprehend an offender who had committed a crime o delinquent act in the victim's presence or had committed a felony or delinquent act tha would be a felony if committed by an adult.		
6 7 8 9 10	(2) A claimant filing for injuries incurred as the occupant of a motor vehicle or a dependent of an occupant of a motor vehicle operated in violation of § 21–902 of the Transportation Article may not receive an award unless the claimant proves that the occupant did not know or could not have known of the condition of the operator of the vehicle.		
11	(3) A claimant may not receive an award if:		
12 13	(i) the victim initiated, consented to, provoked, or unreasonably failed to avoid a physical confrontation with the offender; or		
14 15	(ii) the victim was participating in a crime or delinquent act when the injury was inflicted.		
16 17	(e) (1) A victim or dependent may not be denied compensation solely because the victim:		
18	(i) is a relative of the offender; or		
19 20	(ii) was living with the offender as a family member or household member at the time of the injury or death.		
21 22 23 24	(2) If the Board can reasonably determine that the offender will not receive any economic benefit or undue enrichment from the compensation, the Board may award compensation to a victim or dependent who is a relative, family member, or household member of the offender.		
25	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect		

October 1, 2020.

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