

on the claimant's State or federal income tax returns in the applicable years. If a claimant does not have "average weekly wages" so as to qualify under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award shall be in an amount equal to the arithmetic average between the maximum and minimum awards listed in the applicable portion of that subtitle.

(2) (I) Awards for disability or dependency made pursuant to this article may be up to two-thirds of the victim's gross average wage, but may not be less than the amount provided in paragraph (1) of this subsection.

(II) AN AWARD FOR FUNERAL EXPENSES MAY BE IN AN AMOUNT NOT TO EXCEED \$5,000.

(3) Any person who is entitled to an award due to the death of a victim as the direct result of a crime or who has psychological injury may be eligible, under the rules established by the Board, to receive psychiatric, psychological, or mental health counseling, within the specific limitations of subsection (a)(3) of this section.

(c) If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned among the claimants.

(d) Any award made under this subheading shall be reduced by the amount of any payments received or to be received as a result of the injury:

(1) From or on behalf of the person who committed the crime;

(2) From any other public or private source, including an award of the State Workers' Compensation Commission under the Maryland Workers' Compensation Act; or

(3) As an emergency award under § 824 of this subheading.

(e) (1) (i) Except as provided under subparagraph (ii) of this paragraph, in determining the amount of an award, the Board members shall determine whether, because of the victim's conduct, the victim of the crime contributed to the infliction of the victim's injury, and the Board members shall reduce the amount of the award or reject the claim altogether, in accordance with this determination.

(ii) The Board members may disregard for this purpose the responsibility of the victim for the victim's own injury where the record shows that this responsibility was attributable to efforts by the victim to prevent a crime or an attempted crime from occurring in the victim's presence or to apprehend a person who had committed a crime in the victim's presence or had, in fact, committed a felony.

(2) Claimants filing for injuries incurred as the occupants of a motor vehicle or dependents of an occupant of a motor vehicle operated by a person in violation of the provisions of § 21-902 of the Transportation Article may not recover unless the claimant can prove that the occupant did not or could not have known of the condition of the operator of the vehicle.