

(3) A person is not eligible for all or a portion of an award if the person initiated, consented to, provoked, or unreasonably failed to avoid a physical confrontation with the offender, or the victim was participating in a criminal offense at the time the injury was inflicted.

(f) (1) (I) If the Board finds that the claimant will not suffer serious financial hardship, as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury, if not granted financial assistance pursuant to this article to meet the loss of earnings, support, or out-of-pocket expenses, the Board shall deny an award.

(II) In determining the serious financial hardship, the Board shall consider all of the financial resources of the claimant.

(III) Unless total dependency is established, a family is considered to be partially dependent on a parent with whom they reside without regard to actual earnings.

(2) The conditions of paragraph (1) of this subsection do not apply in determining an award under § 819(a)(4), (5), and (6) of this subheading.

(3) THE BOARD MAY NOT FIND THAT A CLAIMANT FAILS TO SUFFER SERIOUS FINANCIAL HARDSHIP BECAUSE A CLAIMANT IS INDIGENT OR JUDGMENT PROOF.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public Safety and Correctional Services shall report to the General Assembly on or before November 1, 1999, in accordance with § 2-1246 of the State Government Article, on the results of a study to:

(1) Identify and examine alternate models for determining the financial eligibility of criminal injuries compensation claimants;

(2) Determine whether other reasonable expenses incurred by victims and their families should be compensated, including mental health counseling for family and household members;

(2) (3) Project the effect of the models and any other changes on the long-term stability and strength of the Criminal Injuries Compensation Fund; and

(2) (4) Recommend a model to replace the current serious financial hardship standard.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.

May 27, 1999

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401