

DRAFTER'S NOTE: This section is transferred from Art. 26A, § 11 of the Code.

825. CONDITIONS FOR AND AMOUNT OF AWARDS.

(a) (1) An award may not be made unless the Board members find that:

(i) [a] A crime was committed[, (ii) such];

(II) THE crime directly resulted in personal physical injury to, or death of the victim[, and]; AND

(iii) [police] POLICE records show that [such] THE crime was promptly reported to the proper authorities[; and in].

(2) IN no case may an award be made where the police records show that [such] THE CRIME report was made more than [forty-eight] 48 hours after the occurrence of [such] THE crime unless the Board, for good cause shown, finds the delay to have been justified. The Board, upon finding that any claimant or award recipient has not fully cooperated with all law enforcement agencies, may deny or withdraw any award, as the case may be.

[(2)](3) (I) An award may not be made unless funds are appropriated and available for the full amount of the award.

(II) If a multiyear award is made, the total amount of the award shall be obligated and held for [such] ANY period of time as is necessary to complete payment in accordance with the provisions of the award.

(III) If payment of the award is terminated for any reason subsequent to June 30 of the fiscal year in which the award was made, the remainder of the award shall revert to the Criminal Injuries Compensation Fund established under [§ 17A of this article] § 831 OF THIS SUBHEADING.

(IV) Any compensation awarded under the provisions of this Act shall not exceed \$25,000 for any disability-related claim and \$45,000 for any medical claim. The maximum amount awarded under all of the provisions of this Act shall not exceed \$45,000, including any subsequent and supplemental awards.

[(3)](4) Any compensation awarded under the provisions of this [article] SUBHEADING for the purposes of psychiatric, psychological, or mental health counseling [shall] MAY not exceed \$2,000 for each claimant.

(b) (1) Any award made [pursuant to this article] UNDER THIS SUBHEADING shall be made in accordance with the schedule of benefits, as it existed on January 1, 1989, and degree of disability, as specified in Title 9, Subtitle 6 of the Labor and Employment Article and any other applicable provisions of the Labor and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment Article. However, the term "average weekly wages", as applied to determine the award in accordance with Title 9, Subtitle 6 of the Labor and Employment Article, does not include tips, gratuities and wages that are undeclared 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