

(I) TRYING TO PREVENT A CRIME OR DELINQUENT ACT OR AN ATTEMPTED CRIME OR DELINQUENT ACT FROM OCCURRING IN THE PERSON'S PRESENCE;

(II) TRYING TO APPREHEND AN OFFENDER WHO HAD COMMITTED A CRIME OR DELINQUENT ACT IN THE PERSON'S PRESENCE OR HAD COMMITTED A FELONY OR A DELINQUENT ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT; OR

(III) HELPING A LAW ENFORCEMENT OFFICER IN THE PERFORMANCE OF THE OFFICER'S DUTIES OR HELPING A MEMBER OF A FIRE DEPARTMENT WHO IS BEING OBSTRUCTED FROM PERFORMING THE MEMBER'S DUTIES.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, §§ 815(f) and 819(a)(4) and (7).

In this subsection, the definition of "victim" is revised for purposes of this subtitle to include those persons who, while not included in the definition of "victim" under former law, were eligible, and whose surviving spouses, children, and dependents were eligible, for criminal injuries compensation awards as a result of the person being injured or killed as a direct result of crime or delinquent act.

As for the addition in items (2) and (3) of this subsection of the defined term "delinquent act" to the defined term "crime", see General Revisor's Note to this title.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that in item (3) of this subsection, the phrase "who suffers physical injury or death as a direct result of" is substituted for the former phrase "who is injured or killed while" for accuracy and consistency to expressly state the implied requirement under former law that there be a causal link between the injury or death and the criminal activity.

The Criminal Procedure Article Review Committee also notes, for consideration by the General Assembly, that apparently subsection (f)(1) of this section does not apply to a person who:

(1) suffers a psychological injury but does not personally suffer physical injury or death as a result of a crime or delinquent act; or

(2) is not the intended victim of the crime or delinquent act, e.g., the rape or robbery victim.

For example, a person would not be a "victim" under this subtitle by suffering psychological injury because the person was a victim of stalking, because a spouse was murdered, or because a daughter was raped. Additionally, a person would not be a "victim" by suffering psychological injury after witnessing a crime in which a stranger was brutally injured or killed.