

definition formerly stated in Art. 27, § 815(e). No substantive change is intended.

The defined term "delinquent act" is added for clarity. See General Revisor's Note to title.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1)(ii)2 of this section, the reference to "a fourth degree sexual offense, a felony, or a delinquent act that would be a fourth degree sexual offense if committed by an adult directly resulted in psychological injury to the victim" is substituted for the former narrower reference to a "sexual assault or child abuse, [that directly resulted in] psychological or emotional injury" to conform to the terminology used in the definition of "victim" in § 11-801(f) of this subtitle. The Committee made this change to ensure that a person who qualifies as a "victim" under this subtitle will be entitled to an award.

Defined terms: "Board" § 11-801

"Claimant" § 11-801

"Crime" § 11-801

"Delinquent act" § 11-101

"Dependent" § 11-801

"Victim" § 11-801

11-811. AMOUNT OF AWARD.

(A) IN GENERAL.

(1) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN AWARD UNDER THIS SUBTITLE 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.

(II) FOR DETERMINING THE AMOUNT OF AN AWARD UNDER THIS SUBTITLE, THE TERM "AVERAGE WEEKLY WAGES" DOES NOT INCLUDE TIPS, GRATUITIES, AND WAGES THAT ARE UNDECLARED ON THE CLAIMANT'S STATE OR FEDERAL INCOME TAX RETURNS FOR THE APPLICABLE YEARS.

(III) IF A CLAIMANT DOES NOT HAVE "AVERAGE WEEKLY WAGES" 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 AVERAGE OF THE MAXIMUM AND MINIMUM AWARDS LISTED IN THE APPLICABLE PORTION OF THAT SUBTITLE.

(2) AN AWARD FOR LOSS OF EARNINGS OR SUPPORT MADE UNDER THIS SUBTITLE 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.