

(2001 Volume and 2002 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Criminal Procedure**

11-811.

(a) (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, 2001, 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.

(3) THE PARENT OR GUARDIAN OF A VICTIM WHO IS A CHILD AND WHO RESIDES WITH THE VICTIM MAY BE ELIGIBLE FOR AN AWARD OF UP TO 30 DAYS OF LOST EARNINGS AS A RESULT OF CARING FOR THE VICTIM.

[(3)](4) An award for funeral expenses may not exceed \$5,000.

[(4)](5) Subject to the limitation under subsection (b)(3) of this section and § 11-812 of this subtitle, a person who is eligible for an award as the result of the death of a victim or psychological injury may be eligible, under the regulations that the Board adopts, to receive psychiatric, psychological, or mental health counseling.

[(5)](6) Subject to the limitation under subsection (b)(6) of this section and § 11-812 of this subtitle, a parent, child, or spouse of a victim who resides with the victim and who is eligible for an award as the result of the injury of a victim is eligible to receive psychiatric, psychological, or mental health counseling.

(b) Compensation awarded under this subtitle may not exceed:

(1) **[\$25,000]** for a disability-related or dependency-related claim[;]:

(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, \$25,000;

OR