

Bill No. 27-02
Concerning: Partnership Fund for
Victims of Hate/Violence -
Amendments
Revised: 10/28/02 Draft No. 3
Introduced: July 30, 2002
Enacted: November 26, 2002
Executive: December 5, 2002
Effective: March 6, 2003
Sunset Date: None
Ch. 30, Laws of Mont. Co. 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to:

- (1) increase the compensation a victim of hate/violence may receive from the Partnership Fund;
- (2) expand the reasons why a victim of hate/violence may receive payment from the Partnership Fund;
- (3) require that a police report be submitted with all claims of hate/violence unless the Partnership Board waives this requirement; and
- [[3)] (4) generally amend the law governing the Partnership Fund for Victims of Hate/Violence.

By amending

Montgomery County Code
Chapter 27, Human Rights
Section 27-26

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Section 27-26 is amended as follows:**

2 **27-26. Partnership Fund for victims of hate/violence.**

3 (a) Fund established.

4 (1) There is a Partnership Fund for victims of hate/violence.

5 (2) The Fund is created to [help] compensate victims of
6 hate/violence [to repair or replace the victim's property
7 damaged] for personal injury and property damage caused
8 by the hate/violence incident.

9 (3) The Commission on Human Rights must define what
10 conduct is an act of hate/violence.

11 (4) The County Executive must determine who will administer
12 the Partnership Fund.

13 (b) Board established.

14 (1) The Partnership Board has 7 members from the private
15 sector appointed by the Executive and confirmed by the
16 County Council.

17 (2) Each member is appointed for 3 years. At the end of a term,
18 a member continues to serve until a successor is appointed
19 and confirmed.

20 (3) A member of the Partnership Board is not paid for service
21 on the Board.

22 (c) Contributions.

23 (1) The Board should solicit and deposit private contributions to
24 the Fund. The Board may spend up to 10 percent of the
25 Fund to publicize the Fund and solicit private contributions.

- 26 (2) The County must contribute \$25,000 per year to the Fund to the
 27 extent that funds are appropriated.
- 28 (3) The County government must also contribute \$2 for every \$1 of
 29 private contributions to the Fund, up to an additional \$30,000 per
 30 a year, to the extent that funds are appropriated.
- 31 (d) Victim compensation.
- 32 (1) The Board may pay a victim of hate/violence up to \$2,000 from
 33 the Fund for each incident of hate/violence to [repair or replace
 34 the victim's property damaged] compensate the victim for
 35 property damage caused by the hate/violence incident.
- 36 (2) [A victim of hate/violence may not receive more than [\$5,000]
 37 \$8,000 from the Fund in any 12-month period.] The Board may
 38 pay a victim of hate/violence up to \$4,000 from the Fund for each
 39 incident of hate/violence to compensate the victim for personal
 40 injuries caused by the hate/violence incident. Personal injury
 41 awards must be limited to actual damages for medical expenses,
 42 psychological services, or lost wages.
- 43 (i) Lost wages must be based solely on employment
 44 income and must be calculated based on an individual's
 45 gross average weekly wage immediately before the
 46 incident of hate/violence.
- 47 (3) A victim of hate/violence may not receive more than \$8,000
 48 from the Fund in any 12-month period.
- 49 (e) Police Report. A police report, filed over the telephone or in person to
 50 an appropriate law enforcement agency within 7 days after an act of
 51 hate/violence occurred or was discovered, must be submitted with all

52 claims. The Board may waive this requirement if an individual had
53 good cause for not filing a police report.

54 ~~[(e)]~~ (f) Reduction of compensation. The Board must reduce any payment from
55 the Fund by any amount the victim receives or is entitled to receive
56 from any private or public source as compensation for damages from
57 the hate/violence incident.

58 (i) The Board may pay for lost wages only to the extent that
59 compensation is not available from an employer for vacation,
60 sick, or any other type of leave, insurance, the State victim
61 compensation program under Maryland Code, Criminal
62 Procedure Article Section 11-811, the County victim assistance
63 program under Section 32-25, or any other source arising from
64 the same incident.

65 ~~[(f)]~~ (g) False claims. Any person who makes a false claim under this Section:
66 (1) commits a Class A violation; and
67 (2) must reimburse the Fund for any payments received under this
68 Section.

69 ~~[(g)]~~ (h) Regulations. The County Executive may adopt regulations to
70 implement this Section under method (2).

71 *Approved:*

72 /S/ November 26, 2002

Steven A. Silverman, President, County Council Date

73 *Approved:*

74 /S/ December 5, 2002

Douglas M. Duncan, County Executive Date

75 *This is a correct copy of Council action.*

76 /S/

December 9, 2002

Mary A. Edgar, CMC, Clerk of the Council

Date