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

The County Council for Montgomery County, Maryland approves the following Act:
Sec 1. Section 27-26 is amended as follows:


(a) Fund established.

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

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

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

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

(b) Board established.

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

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

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

(c) Contributions.

(1) The Board should solicit and deposit private contributions to the Fund. The Board may spend up to 10 percent of the Fund to publicize the Fund and solicit private contributions.
(2) The County must contribute $25,000 per year to the Fund to the extent that funds are appropriated.

(3) The County government must also contribute $2 for every $1 of private contributions to the Fund, up to an additional $30,000 per a year, to the extent that funds are appropriated.

(d) Victim compensation.

(1) The Board may pay a victim of hate/violence up to $2,000 from the Fund for each incident of hate/violence to [repair or replace the victim's property damaged] compensate the victim for property damage caused by the hate/violence incident.

(2) [A victim of hate/violence may not receive more than [$5,000] $8,000 from the Fund in any 12-month period.] The Board may pay a victim of hate/violence up to $4,000 from the Fund for each incident of hate/violence to compensate the victim for personal injuries caused by the hate/violence incident. Personal injury awards must be limited to actual damages for medical expenses, psychological services, or lost wages.

   (i) Lost wages must be based solely on employment income and must be calculated based on an individual’s gross average weekly wage immediately before the incident of hate/violence.

(3) A victim of hate/violence may not receive more than $8,000 from the Fund in any 12-month period.

(e) Police Report. A police report, filed over the telephone or in person to an appropriate law enforcement agency within 7 days after an act of hate/violence occurred or was discovered, must be submitted with all
claims. The Board may waive this requirement if an individual had
good cause for not filing a police report.

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

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

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

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

Approved:

/S/ November 26, 2002
Steven A. Silverman, President, County Council Date

Approved:

/S/ December 5, 2002
Douglas M. Duncan, County Executive Date
This is a correct copy of Council action.

/S/

Mary A. Edgar, CMC, Clerk of the Council

December 9, 2002

Date