

the Board shall promptly notify the State's Attorney of the county, or Baltimore City, as the case may be, [wherein] WHERE the crime is alleged to have occurred. If, within ten days after [such] notification, the State's Attorney so notified advises the Board that a criminal prosecution is pending upon the same alleged crime, the Board shall defer all proceedings under this [article] SUBHEADING until [such] THE time as [such] THE criminal prosecution has been concluded and shall so notify [such] THAT State's Attorney and the claimant. When [such] THE criminal prosecution has been concluded, the State's Attorney shall promptly [so] notify the Board. Nothing in this section shall limit the authority of the Board to grant emergency awards as [hereinafter] provided UNDER THIS SUBHEADING.

DRAFTER'S NOTE: This section is transferred from Art. 26A, § 6 of the Code.

In subsections (c) and (d) of this section, the references to "subheading" is substituted for the former overly broad references to "article" for accuracy.

The only other changes are in style.

821. MINIMUM ALLOWABLE CLAIM.

An award may not be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars or has lost at least two continuous weeks' earnings or support. Out-of-pocket loss means unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care, including expenses for eyeglasses and other corrective lenses, mental health counseling, funeral expenses, or other services necessary as a result of the injury upon which [such] THE claim is based.

DRAFTER'S NOTE: This section is transferred from Art. 26A, § 7 of the Code.

The only changes are in style.

822. DECISIONS ON CLAIMS.

(a) A claim, when accepted for filing, shall be assigned by the chairman to [3] THREE members of the Board. All claims arising from the death of an individual as a direct result of a crime shall be considered together by [3] THREE Board members. The chairman may reassign cases as necessary.

(b) The Board members to whom the claim is assigned shall examine the papers filed in support of the claim and shall [thereupon] cause an investigation to be conducted into the validity of the claim. The investigation shall include, but not be limited to, an examination of police, court and official records and reports concerning the crime and an examination of medical and hospital reports relating to the injury upon which the claim is based.

(c) Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended or prosecuted for or convicted of any crime based upon the same incident, or has been acquitted, or found not guilty of the crime in question owing to criminal responsibility or other legal exemption.

(d) The Board members to whom a claim is assigned may recommend a tentative decision and advise the claimant of that recommendation. The claimant may request a hearing before the Board members for the purpose of presenting additional information.