

# SENATE BILL 796

E2, D4

0lr2657  
CF HB 1043

---

By: **Senators Middleton and Forehand**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

---

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 26, 2010

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Child Advocacy Centers**

3 FOR the purpose of requiring the Department of Human Resources and the Governor's  
4 Office of Crime Control and Prevention jointly to establish and sustain child  
5 advocacy centers in the State; specifying the organizations and entities in which  
6 the centers may be based; specifying certain actions to be taken by the centers;  
7 ~~requiring that the State Victims of Crime Fund be used to support the centers;~~  
8 ~~requiring the Governor's Office of Crime Control and Prevention to ensure that~~  
9 ~~a certain amount of money be distributed equally to the centers annually as~~  
10 ~~grants for certain purposes;~~ authorizing the Department of Human Resources to  
11 contract with certain organizations to operate the centers; requiring that money  
12 for the child advocacy centers be as provided in the State budget and be used to  
13 supplement, but not supplant, money that the centers receive from other  
14 sources; requiring the Governor's Office of Crime Control and Prevention to  
15 provide input into a certain report; altering the subject of a certain report to  
16 include the child advocacy centers; requiring the State Board of Victim Services,  
17 in a certain fiscal year, to make a certain grant from the State Victims of Crime  
18 Fund to each county government that intends to establish a child advocacy  
19 center or needs assistance in keeping an existing child advocacy center open;  
20 requiring the State Board of Victim Services to make a certain report on or  
21 before a certain date; and generally relating to child advocacy centers.

22 BY repealing and reenacting, with amendments,  
23 Article – Criminal Procedure  
24 Section ~~11-916, 11-919, and~~ 11-923

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2009 Supplement)

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

5 **Article – Criminal Procedure**

6 ~~11-916.~~

7 (a) ~~There is a State Victims of Crime Fund.~~

8 (b) (1) ~~The Fund shall be used to pay for [carrying out]:~~

9 (i) ~~CARRYING OUT Article 47 of the Maryland Declaration of~~  
10 ~~Rights;~~

11 (ii) ~~CARRYING OUT the guidelines for the treatment and~~  
12 ~~assistance for victims and witnesses of crimes and delinquent acts provided in §§~~  
13 ~~11-1002 and 11-1003 of this title; [and]~~

14 (iii) ~~CARRYING OUT any laws enacted to benefit victims and~~  
15 ~~witnesses of crimes and delinquent acts; AND~~

16 (iv) ~~SUPPORTING CHILD ADVOCACY CENTERS ESTABLISHED~~  
17 ~~UNDER § 11-923(D) OF THIS SUBTITLE.~~

18 (2) ~~The Fund may pay for the administrative costs of the Fund.~~

19 (e) ~~The Board shall administer the Fund.~~

20 ~~11-919.~~

21 (a) ~~There is a grant program.~~

22 (b) ~~The Governor's Office of Crime Control and Prevention shall:~~

23 (1) ~~adopt regulations for the administration and award of grants~~  
24 ~~under Part II of this subtitle; and~~

25 (2) ~~submit all approved grant applications to the Board.~~

26 (e) ~~The Board shall:~~

27 (1) ~~approve each grant application received by the Governor's Office of~~  
28 ~~Crime Control and Prevention before any money is released from the Fund; [and]~~

~~(2) ensure that the money obtained from unclaimed restitution under § 17-317(a)(3)(i) of the Commercial Law Article is used for annual grants to provide legal counsel to victims of crimes and delinquent acts to protect the victims' rights as provided by law; AND~~

~~(3) ENSURE THAT A TOTAL OF \$500,000 IN ANNUAL GRANTS IS EQUALLY DISTRIBUTED TO ALL CHILD ADVOCACY CENTERS ESTABLISHED UNDER § 11-923(D) OF THIS SUBTITLE;~~

~~(I) FOR THE DEVELOPMENT AND OPERATION OF CHILD ADVOCACY CENTERS; AND~~

~~(II) TO SUPPLEMENT AND NOT SUPPLANT MONEY THAT THE CHILD ADVOCACY CENTERS RECEIVE FROM OTHER SOURCES.~~

11-923.

(a) The General Assembly finds that an increasing number of sexual assault offense victims in the State:

(1) lack necessary counseling and follow-up services; and

(2) in some parts of the State, have only the help of extremely limited support services.

(b) The purpose of this section is to provide for sexual assault crisis programs that address the special needs of sexual assault victims.

(c) (1) The Department of Human Resources shall help establish sexual assault crisis programs in the State.

(2) The programs shall be developed and located to facilitate their use by alleged victims residing in surrounding areas.

(3) The programs shall:

(i) provide specialized support services to adult and minor alleged victims of sexual assault crimes; and

(ii) include a hotline and counseling service.

**(D) (1) THE DEPARTMENT OF HUMAN RESOURCES AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION JOINTLY SHALL ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.**

**(2) THE CHILD ADVOCACY CENTERS:**

1                   **(I) MAY BE BASED IN PRIVATE NONPROFIT**  
2 **ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW**  
3 **ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;**

4                   **(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE**  
5 **THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;**

6                   **(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES**  
7 **AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;**

8                   **(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO**  
9 **APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR**  
10 **VICTIMS; AND**

11                   **(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION**  
12 **PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW**  
13 **ARTICLE.**

14           **[(d)](E)**     The Department of Human Resources may contract with public or  
15 private nonprofit organizations to operate:

16                   **(1)**     the sexual assault crisis programs; AND

17                   **(2)**     **THE CHILD ADVOCACY CENTERS.**

18           **[(e)] (F)**     Money for the sexual assault crisis programs AND CHILD  
19 **ADVOCACY CENTERS** shall be as provided in the annual State budget and shall be  
20 used to supplement, but not supplant, money that the programs AND CENTERS  
21 receive from other sources.

22           **[(f)] (G)**     The Secretary of Human Resources, **WITH INPUT FROM THE**  
23 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**, shall include a  
24 report on the sexual assault crisis programs AND CHILD ADVOCACY CENTERS in the  
25 Department of Human Resources annual report to the General Assembly.

26           SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any  
27 other provision of law:

28           (a)     In fiscal year 2012, the State Board of Victim Services shall approve a  
29 grant of \$20,833 from the State Victims of Crime Fund to each county government  
30 that:

31                   (1)     intends to establish a child advocacy center; or

1           (2) demonstrates a financial need for assistance in keeping an existing  
2 child advocacy center open.

3           (b) On or before December 15, 2010, the State Board of Victim Services shall  
4 report to the Senate Budget and Taxation Committee and the House Judicial  
5 Proceedings Committee, in accordance with § 2-1246 of the State Government Article,  
6 on the amount of revenue that would be needed to expand the purposes of the State  
7 Victims of Crime Fund to include supporting child advocacy centers in the State while  
8 continuing to fully support the current purposes of the Fund.

9           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2010.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.