

# HOUSE BILL 382

E4, E2  
HB 1341/14 – JUD

5lr0508

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By: Delegates Morales, Pena–Melnyk, Jalisi, Anderson, Atterbeary, Campos, Carter, Conaway, Dumais, McComas, Moon, Rey, Smith, Sydnor, Vallario, B. Wilson, Kittleman, B. Barnes, Folden, Frick, Gutierrez, Hill, Kaiser, Kelly, Korman, Krimm, Platt, and Waldstreicher ~~Waldstreicher~~, Fennell, Ghrist, McCray, Morhaim, Sample–Hughes, Tarlau, and P. Young

Introduced and read first time: February 6, 2015

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2015

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

1 AN ACT concerning

2 **Sexual Assault Survivors' Right to Know Act**

3 FOR the purpose of requiring a health care provider that performs a sexual assault  
4 evidence collection kit exam on a victim of sexual assault to provide the victim ~~or the~~  
5 ~~victim's representative~~ with contact information for a certain law enforcement  
6 agency; requiring a law enforcement agency that receives a sexual assault evidence  
7 collection kit to provide certain information within a certain period of time after a  
8 request by the victim from whom the evidence was collected ~~or the victim's~~  
9 ~~representative; requiring a certain report to include certain information relating to~~  
10 ~~unanalyzed sexual assault evidence samples; repealing certain obsolete language;~~  
11 and generally relating to sexual assault evidence.

12 BY adding to  
13 Article – Criminal Procedure  
14 Section 11–926  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2014 Supplement)

17 ~~BY repealing and reenacting, with amendments,~~  
18 ~~Article – Public Safety~~  
19 ~~Section 2–514~~

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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.



~~Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)~~

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

**Article – Criminal Procedure**

**11-926.**

(A) A HEALTH CARE PROVIDER THAT PERFORMS A SEXUAL ASSAULT EVIDENCE COLLECTION KIT EXAM ON A VICTIM OF SEXUAL ASSAULT SHALL PROVIDE THE VICTIM ~~OR THE VICTIM'S REPRESENTATIVE~~ WITH CONTACT INFORMATION FOR THE INVESTIGATING LAW ENFORCEMENT AGENCY THAT THE VICTIM MAY CONTACT ABOUT THE STATUS AND RESULTS OF THE KIT ANALYSIS.

(B) ~~A~~ AN INVESTIGATING LAW ENFORCEMENT AGENCY THAT RECEIVES A SEXUAL ASSAULT EVIDENCE COLLECTION KIT, WITHIN 30 DAYS AFTER A REQUEST BY THE VICTIM FROM WHOM THE EVIDENCE WAS COLLECTED ~~OR THE VICTIM'S REPRESENTATIVE~~, SHALL PROVIDE THE VICTIM ~~OR THE VICTIM'S REPRESENTATIVE~~ WITH:

(1) INFORMATION ABOUT THE STATUS OF THE KIT ANALYSIS; AND

(2) ALL AVAILABLE RESULTS OF THE KIT ANALYSIS EXCEPT RESULTS THAT ~~INCLUDE IDENTIFYING INFORMATION~~ WOULD IMPEDE OR COMPROMISE AN ONGOING INVESTIGATION.

~~Article – Public Safety~~

~~§ 514.~~

~~(a) On or before [April 1, 2010, and on or before] April 1 of every even-numbered year [thereafter], each local law enforcement unit shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection and analysis in its respective jurisdiction for the preceding calendar year, and the Department shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection statewide for the preceding calendar year, including:~~

~~(1) the crimes for which crime scene DNA evidence is routinely collected;~~

~~(2) the approximate number of crime scene DNA evidence samples collected during the preceding year for each category of crime;~~

1 ~~(3) the average time between crime scene DNA evidence collection and~~  
2 ~~analysis;~~

3 ~~(4) the number of crime scene DNA evidence samples collected and not~~  
4 ~~analyzed at the time of the study;~~

5 ~~(5) the number of crime scene DNA evidence samples submitted to the~~  
6 ~~statewide DNA data base during the preceding year; [and]~~

7 ~~(6) the number of crime scene DNA evidence samples, including sexual~~  
8 ~~assault evidence, collected by hospitals in the county during the preceding year; AND~~

9 ~~(7) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE SAMPLES IN~~  
10 ~~THE POSSESSION OF THE LAW ENFORCEMENT UNIT THAT HAVE NOT BEEN~~  
11 ~~ANALYZED.~~

12 ~~(b) (1) The Governor's Office of Crime Control and Prevention shall compile~~  
13 ~~the information reported by the local law enforcement units and the Department under~~  
14 ~~subsection (a) of this section and submit the information to the Office of Legislative Audits.~~

15 ~~(2) The Office of Legislative Audits shall evaluate the information received~~  
16 ~~under paragraph (1) of this subsection and submit an annual summary report to the~~  
17 ~~Governor and, in accordance with § 2-1246 of the State Government Article, the General~~  
18 ~~Assembly.~~

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.