

HOUSE BILL 382

E4, E2
HB 1341/14 – JUD

5lr0508

By: **Delegates Morales, Pena–Melnik, 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**

Introduced and read first time: February 6, 2015

Assigned to: Judiciary

A BILL ENTITLED

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
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2014 Supplement)

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

24 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-926.

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

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

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

12 (2) ALL RESULTS OF THE KIT ANALYSIS EXCEPT RESULTS THAT
13 INCLUDE IDENTIFYING INFORMATION.

14 **Article – Public Safety**

15 2-514.

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

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

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

26 (3) the average time between crime scene DNA evidence collection and
27 analysis;

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

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

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

3 **(7) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE SAMPLES IN**
4 **THE POSSESSION OF THE LAW ENFORCEMENT UNIT THAT HAVE NOT BEEN**
5 **ANALYZED.**

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

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

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