

HOUSE BILL 1428

E2

71r0206

By: **Chair, Judiciary Committee (By Request – Departmental – Office of Crime Control and Prevention)**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2017

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Victim Services Unit – Victims’ Compensation**

3 FOR the purpose of establishing a Victim Services Unit in the Governor’s Office of Crime
4 Control and Prevention; transferring the Criminal Injuries Compensation Board
5 from the Department of Public Safety and Correctional Services to the Victim
6 Services Unit; transferring the program for sexual assault forensic examinations
7 from the Department of Health and Mental Hygiene to the Victim Services Unit;
8 transferring certain duties and rights regarding the Criminal Injuries Compensation
9 Board from the Secretary of Public Safety and Correctional Services to the Executive
10 Director of the Governor’s Office of Crime Control and Prevention; providing the
11 Executive Director with certain authority over the Criminal Injuries Compensation
12 Board; transferring and altering provisions of law to require the Criminal Injuries
13 Compensation Board to pay certain claims related to forensic examinations for
14 certain sexually related crimes under certain circumstances; providing for the
15 appointment and salary of a Director of the Victim Services Unit; requiring the
16 Director to take certain actions; requiring the Victim Services Unit to perform
17 certain duties; providing that certain employees transferred to the Victim Services
18 Unit under this Act be transferred without diminution of certain rights, benefits, or
19 employment or retirement status and that certain new hires shall receive certain
20 similar rights and benefits; providing for the employment status of employees of the
21 Victim Services Unit hired on or after the effective date of this Act; providing for the
22 continuity of certain transactions affected by or flowing from this Act; providing for
23 the continuity of certain laws, rules and regulations, standards and guidelines,
24 policies, orders, and other directives, permits and licenses, applications, forms,

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 plans, memberships, contracts, property, investigations, and administrative and
 2 judicial responsibilities; defining certain terms; providing for the transfer of certain
 3 services, appropriations, funding, and grants to the Victim Services Unit on a certain
 4 date; providing for the transfer of certain property, records, fixtures, appropriations,
 5 credits, assets, liabilities, obligations, rights, and privileges to the Victim Services
 6 Unit; providing for appropriate transitional provisions relating to the continuity of
 7 certain boards and other units; providing for the continuity of certain persons that
 8 are licensed, registered, permitted, and certified under certain departments, offices,
 9 and units; providing for the continuity of certain contracts, agreements, grants, or
 10 other obligations; requiring the adoption of certain regulations under certain
 11 circumstances; requiring the Justice Reinvestment Oversight Board to report by a
 12 certain date on certain issues relating to restitution; requiring that certain
 13 employees transferred to the Victim Services Unit under this Act be allowed to
 14 remain at the location at which they were employed on a certain date; requiring the
 15 Governor's Office of Crime Control and Prevention to provide a certain annual report
 16 to the Governor and General Assembly; providing for a delayed effective date; and
 17 generally relating to a Victim Services Unit in the Governor's Office of Crime Control
 18 and Prevention.

19 BY repealing and reenacting, with amendments,
 20 Article – Correctional Services
 21 Section 2–201(10) through (14)
 22 Annotated Code of Maryland
 23 (2008 Replacement Volume and 2016 Supplement)

24 BY adding to
 25 Article – Criminal Procedure
 26 Section 11–801(f), 11–816.1, and 11–1007; and 11–1101 through ~~11–1106~~ 11–1105
 27 to be under the new subtitle, “Subtitle 11. Victim Services Unit”
 28 Annotated Code of Maryland
 29 (2008 Replacement Volume and 2016 Supplement)

30 BY repealing and reenacting, with amendments,
 31 Article – Criminal Procedure
 32 Section 11–801(f), 11–803, 11–804(a), (b)(3), and (d), 11–805(a), 11–814, and
 33 11–815(c)
 34 Annotated Code of Maryland
 35 (2008 Replacement Volume and 2016 Supplement)

36 BY repealing
 37 Article – Health – General
 38 Section 15–127
 39 Annotated Code of Maryland
 40 (2015 Replacement Volume and 2016 Supplement)

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

Article – Correctional Services

1

2 2–201.

3 The following units are in the Department:

4 (10) [the Criminal Injuries Compensation Board;

5 (11)] the Emergency Number Systems Board;

6 [(12)] (11) the Sundry Claims Board;

7 [(13)] (12) the Inmate Grievance Office; and

8 [(14)] (13) any other unit that by law is declared to be part of the
9 Department.**Article – Criminal Procedure**

10

11 11–801.

12 (F) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
13 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

14 [(f)] (G) “Victim” means a person:

15 (1) who suffers physical injury or death as a result of a crime or delinquent
16 act;

17 (2) who suffers psychological injury as a direct result of:

18 (i) a fourth degree sexual offense or a delinquent act that would be
19 a fourth degree sexual offense if committed by an adult;20 (ii) a felony or a delinquent act that would be a felony if committed
21 by an adult; or22 (iii) physical injury or death directly resulting from a crime or
23 delinquent act; or

24 (3) who suffers physical injury or death as a direct result of:

25 (i) trying to prevent a crime or delinquent act or an attempted crime
26 or delinquent act from occurring in the person’s presence;

1 (ii) trying to apprehend an offender who had committed a crime or
2 delinquent act in the person's presence or had committed a felony or a delinquent act that
3 would be a felony if committed by an adult; or

4 (iii) helping a law enforcement officer in the performance of the
5 officer's duties or helping a member of a fire department who is being obstructed from
6 performing the member's duties.

7 11-803.

8 The [Secretary] **EXECUTIVE DIRECTOR** may designate a person to carry out the
9 duties of the [Secretary] **EXECUTIVE DIRECTOR**.

10 11-804.

11 (a) There is a Criminal Injuries Compensation Board in the [Department]
12 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**.

13 (b) (3) The [Secretary] **EXECUTIVE DIRECTOR** shall appoint the members of
14 the Board, with the approval of the Governor and the advice and consent of the Senate.

15 (d) (1) With the approval of the Governor, the [Secretary] **EXECUTIVE**
16 **DIRECTOR** shall designate one member of the Board as chairman.

17 (2) The chairman serves at the pleasure of the [Secretary] **EXECUTIVE**
18 **DIRECTOR**.

19 11-805.

20 (a) Subject to the authority of the [Secretary as set forth in Title 2, Subtitle 1 of
21 the Correctional Services Article] **EXECUTIVE DIRECTOR**, the Board has the following
22 powers and duties:

23 (1) to establish and maintain an office and to appoint and prescribe the
24 duties of a claims examiner, a secretary, clerks, and any other employees and agents as
25 may be necessary;

26 (2) to adopt regulations to carry out the provisions and purposes of this
27 subtitle, including procedures for the review and evaluation of claims and regulations for
28 the approval of attorneys' fees for representation before the Board or before the court on
29 judicial review;

30 (3) to request from the State's Attorney, the Department of State Police, or
31 county or municipal police departments any investigation and information that will help
32 the Board to determine:

1 (i) whether a crime or a delinquent act was committed or attempted;
2 and

3 (ii) whether and to what extent the victim or claimant was
4 responsible for the victim's or claimant's own injury;

5 (4) to hear and determine each claim for an award filed with the Board
6 under this subtitle and to reinvestigate or reopen a case as the Board determines to be
7 necessary;

8 (5) to direct medical examination of victims;

9 (6) to hold hearings, administer oaths, examine any person under oath, and
10 issue subpoenas requiring the attendance and testimony of witnesses or requiring the
11 production of documents or other evidence;

12 (7) to take or cause to be taken affidavits or depositions within or outside
13 the State; and

14 (8) to submit each year to the Governor, to the [Secretary] **EXECUTIVE**
15 **DIRECTOR**, and, subject to § 2-1246 of the State Government Article, to the General
16 Assembly a written report of the activities of the Board.

17 11-814.

18 (a) Within 30 days after the receipt of a claim, the Board shall notify the claimant
19 if additional material is required.

20 (b) (1) Except as provided in paragraph (2) of this subsection, within 90 days
21 after the receipt of a claim and all necessary supporting material, the Board shall:

22 (i) complete the review and evaluation of each claim; and

23 (ii) file with the [Secretary] **EXECUTIVE DIRECTOR** a written
24 report setting forth the decision and the reasons in support of the decision.

25 (2) For good cause shown, for a period not to exceed 1 year the Board may
26 extend the time to file its report with the [Secretary] **EXECUTIVE DIRECTOR** after receipt
27 of the claim and all necessary supporting material until the first to occur of the following
28 events:

29 (i) the claimant no longer has expenses related to the crime; or

30 (ii) the claimant has been awarded the maximum amount
31 authorized under §§ 11-811(b) and 11-812 of this subtitle.

1 (c) Within 30 days after the receipt of a written report from the Board, the
2 [Secretary] **EXECUTIVE DIRECTOR** shall modify, affirm, or reverse the decision of the
3 Board.

4 (d) The decision of the [Secretary] **EXECUTIVE DIRECTOR** to affirm, modify, or
5 reverse the decision of the Board is final.

6 (e) The claimant shall be given a copy of the final report on request.

7 11-815.

8 (c) Within 30 days after the final decision of the [Secretary] **EXECUTIVE**
9 **DIRECTOR**, a claimant aggrieved by that decision may appeal the decision under §§
10 10-222 and 10-223 of the State Government Article.

11 **11-816.1.**

12 (A) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, ONLY THE**
13 **PROVISIONS OF § 11-1007 OF THIS TITLE AND ANY APPLICABLE REGULATIONS**
14 **ADOPTED TO CARRY OUT THE PROVISIONS OF THAT SECTION APPLY TO**
15 **REIMBURSEMENTS FOR FORENSIC EXAMINATIONS AND OTHER ELIGIBLE EXPENSES**
16 **FOR CASES INVOLVING RAPE, SEXUAL OFFENSES, OR CHILD SEXUAL ABUSE.**

17 (B) **AS REQUIRED UNDER § 11-1007 OF THIS TITLE, THE BOARD SHALL PAY**
18 **FOR FORENSIC EXAMINATIONS AND OTHER ELIGIBLE EXPENSES FOR CASES**
19 **INVOLVING RAPE, SEXUAL OFFENSES, OR CHILD SEXUAL ABUSE.**

20 **11-1007.**

21 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 (2) **“CHILD” MEANS ANY INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

24 (3) **“INITIAL ASSESSMENT” INCLUDES:**

25 (I) **A PSYCHOLOGICAL EVALUATION;**

26 (II) **A PARENTAL INTERVIEW; AND**

27 (III) **A MEDICAL EVALUATION.**

28 (4) **“PHYSICIAN” MEANS AN INDIVIDUAL WHO IS AUTHORIZED UNDER**
29 **THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE.**

1 **(5) (I) "SEXUAL ABUSE" MEANS ANY ACT THAT INVOLVES SEXUAL**
2 **MOLESTATION OR EXPLOITATION OF A CHILD WHETHER OR NOT THE SEXUAL**
3 **MOLESTATION OR EXPLOITATION OF THE CHILD IS BY A PARENT OR OTHER**
4 **INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR**
5 **RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY ANY HOUSEHOLD OR FAMILY**
6 **MEMBER.**

7 **(II) "SEXUAL ABUSE" INCLUDES:**

- 8 **1. INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE;**
- 9 **2. SODOMY; AND**
- 10 **3. UNNATURAL OR PERVERTED SEXUAL PRACTICES.**

11 **(B) IF A PHYSICIAN OR A HOSPITAL PROVIDES A SERVICE DESCRIBED IN**
12 **SUBSECTION (C) OF THIS SECTION TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL**
13 **OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL ABUSE:**

14 **(1) THE SERVICES SHALL BE PROVIDED WITHOUT CHARGE TO THE**
15 **INDIVIDUAL; AND**

16 **(2) THE PHYSICIAN OR HOSPITAL IS ENTITLED TO BE PAID BY THE**
17 **CRIMINAL INJURIES COMPENSATION BOARD AS PROVIDED UNDER SUBTITLE 8 OF**
18 **THIS TITLE FOR THE COSTS OF PROVIDING THE SERVICES.**

19 **(C) THIS SECTION APPLIES TO THE FOLLOWING SERVICES:**

20 **(1) A PHYSICAL EXAMINATION TO GATHER INFORMATION AND**
21 **EVIDENCE AS TO AN ALLEGED CRIME;**

22 **(2) EMERGENCY HOSPITAL TREATMENT AND FOLLOW-UP MEDICAL**
23 **TESTING FOR UP TO 90 DAYS AFTER THE INITIAL PHYSICAL EXAMINATION; AND**

24 **(3) FOR UP TO 5 HOURS OF PROFESSIONAL TIME TO GATHER**
25 **INFORMATION AND EVIDENCE OF THE ALLEGED SEXUAL ABUSE, AN INITIAL**
26 **ASSESSMENT OF A VICTIM OF ALLEGED CHILD SEXUAL ABUSE BY:**

27 **(I) A PHYSICIAN;**

28 **(II) QUALIFIED HOSPITAL HEALTH CARE PERSONNEL;**

29 **(III) A MENTAL HEALTH PROFESSIONAL; OR**

1 (IV) AN INTERDISCIPLINARY TEAM EXPERT IN THE FIELD OF
2 CHILD ABUSE.

3 (D) (1) A PHYSICIAN WHO EXAMINES A VICTIM OF ALLEGED CHILD
4 SEXUAL ABUSE UNDER THE PROVISIONS OF THIS SECTION IS IMMUNE FROM CIVIL
5 LIABILITY THAT MAY RESULT FROM THE FAILURE OF THE PHYSICIAN TO OBTAIN
6 CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE
7 EXAMINATION OR TREATMENT OF THE CHILD.

8 (2) THE IMMUNITY EXTENDS TO:

9 (I) ANY HOSPITAL WITH WHICH THE PHYSICIAN IS AFFILIATED
10 OR TO WHICH THE CHILD IS BROUGHT; AND

11 (II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR
12 SUPERVISION OF THE HOSPITAL.

13 SUBTITLE 11. VICTIM SERVICES UNIT.

14 11-1101.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE VICTIM SERVICES UNIT.

18 (C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
19 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

20 (D) "UNIT" MEANS THE VICTIM SERVICES UNIT.

21 11-1102.

22 (A) THERE IS A VICTIM SERVICES UNIT IN THE GOVERNOR'S OFFICE OF
23 CRIME CONTROL AND PREVENTION.

24 (B) THE UNIT CONSISTS OF:

25 (1) THE CRIMINAL INJURIES COMPENSATION BOARD UNDER
26 SUBTITLE 8 OF THIS TITLE;

27 (2) ~~PROGRAMS FOR SURVIVORS OF HOMICIDE VICTIMS UNDER §~~
28 ~~11-1006 OF THIS TITLE;~~

1 ~~(3)~~ THE PROGRAM FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS
2 UNDER § 11-1007 OF THIS TITLE;

3 ~~(4)~~ (3) A RESTITUTION SECTION; AND

4 ~~(5)~~ (4) ANY OTHER PROGRAM THAT PROVIDES VICTIM SERVICES
5 UNDER THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION THAT THE
6 EXECUTIVE DIRECTOR DETERMINES WOULD BENEFIT FROM INCLUSION UNDER THE
7 UNIT.

8 11-1103.

9 (A) THE HEAD OF THE UNIT IS THE DIRECTOR, WHO SHALL BE APPOINTED
10 BY AND SERVES AT THE PLEASURE OF THE EXECUTIVE DIRECTOR.

11 (B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE STATE
12 BUDGET.

13 (C) THE DIRECTOR SHALL REGULARLY CONSULT WITH, COLLABORATE
14 WITH, AND CONSIDER THE RECOMMENDATIONS OF THE FEDERALLY RECOGNIZED
15 STATE ANTISEXUAL ASSAULT COALITIONS REGARDING SEXUAL ASSAULT CRISIS
16 PROGRAMS AND POLICIES, PRACTICES, AND PROCEDURES THAT IMPACT VICTIMS OF
17 SEXUAL ASSAULT, INCLUDING ADMINISTRATION OF THE PROGRAM FOR SEXUAL
18 ASSAULT FORENSIC EXAMINATIONS UNDER § 11-1007 OF THIS TITLE.

19 11-1104.

20 THE UNIT SHALL COORDINATE WITH THE JUDICIARY, THE DEPARTMENT OF
21 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT OF JUVENILE
22 SERVICES, THE CENTRAL COLLECTION UNIT, STATE'S ATTORNEY'S OFFICES, AND
23 LOCAL CORRECTIONAL FACILITIES TO:

24 (1) COLLECT DATA;

25 (2) DEVELOP ~~EVIDENCE-BASED PRACTICES~~ BEST PRACTICES, USING
26 DATA AND OTHER EVIDENCE TO THE EXTENT AVAILABLE, FOR RESTITUTION
27 COLLECTION;

28 (3) COORDINATE AND IMPROVE EFFORTS OF STATE AND LOCAL
29 ENTITIES REGARDING RESTITUTION;

30 (4) ENSURE THE INTEROPERABILITY OF JUSTICE SYSTEM
31 DATABASES;

1 **(5) REQUIRE THAT EACH OF THE DATABASES HAS A DATA FIELD TO**
2 **INDICATE THAT THERE ARE OUTSTANDING RESTITUTION ORDERS; AND**

3 **(6) COORDINATE EFFORTS TO IMPROVE RESTITUTION COLLECTION.**

4 **11-1105.**

5 **(A) THE UNIT SHALL:**

6 **(1) MONITOR AND PROVIDE GUIDANCE TO THE SECRETARY ON THE**
7 **ADOPTION OF REGULATIONS ESTABLISHING MINIMUM MANDATORY STANDARDS**
8 **FOR STATE AND LOCAL CORRECTIONAL FACILITIES REGARDING VICTIM**
9 **NOTIFICATION, RESTITUTION, AND ADMINISTRATIVE RECORD KEEPING;**

10 **(2) ENCOURAGE THE USE OF EARNINGS WITHHOLDING ORDERS TO**
11 **COLLECT RESTITUTION;**

12 **(3) COORDINATE WITH THE CENTRAL COLLECTION UNIT TO**
13 **IMPROVE RESTITUTION COLLECTION;**

14 **(4) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION**
15 **TO MODERNIZE AND IMPROVE COLLECTIONS AND COLLABORATE ON**
16 **COMMUNICATING WITH PAROLE AND PROBATION AGENTS ON THEIR ROLE WITH**
17 **RESTITUTION COLLECTION;**

18 **(5) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION**
19 **AND THE CENTRAL COLLECTION UNIT ON WAYS TO EXPEDITE THE REFERRAL OF**
20 **CASES TO THE CENTRAL COLLECTION UNIT;**

21 **(6) DEVELOP PROGRAMS TO BE PRESENTED ~~AT THE JUDICIAL~~**
22 **~~INSTITUTE OF MARYLAND AND~~ TO THE MARYLAND STATE'S ATTORNEYS'**
23 **ASSOCIATION TO EMPHASIZE STATUTORY OBLIGATIONS REGARDING RESTITUTION;**

24 **(7) PROMOTE NOTIFICATION TO VICTIMS; AND**

25 **(8) EXAMINE THE CURRENT REMEDIES AVAILABLE TO ENFORCE**
26 **RESTITUTION ORDERS TO DETERMINE WHETHER THE REMEDIES ARE BEING**
27 **EFFECTIVELY USED AND MAKE RECOMMENDATIONS REGARDING THE NEED FOR**
28 **ADDITIONAL REMEDIES.**

29 **(B) EXCEPT AS PROVIDED IN § 11-805(A)(2) OF THIS TITLE AND SUBJECT**
30 **TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE UNIT MAY ADOPT**
31 **REGULATIONS TO CARRY OUT THE DUTIES OF THE UNIT.**

1 ~~11-1106.~~

2 ~~NOTWITHSTANDING ANY OTHER PROVISION OF LAW:~~

3 ~~(1) THE UNIT MAY DISCLOSE DATA COLLECTED IN CONNECTION WITH~~
4 ~~THE ADMINISTRATION OF THE PROGRAM FOR SEXUAL ASSAULT FORENSIC~~
5 ~~EXAMINATIONS UNDER THE PROVISIONS OF § 11-1007 OF THIS TITLE TO THE~~
6 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE, FOR THE PURPOSES OF PUBLIC~~
7 ~~HEALTH SURVEILLANCE, INVESTIGATIONS, AND INTERVENTIONS; AND~~

8 ~~(2) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL~~
9 ~~MAINTAIN THE CONFIDENTIALITY OF ANY DATA DISCLOSED BY THE UNIT UNDER~~
10 ~~THIS SECTION.~~

11 **Article – Health – General**

12 [15–127.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) “Child” means any individual under the age of 18 years.

15 (3) “Initial assessment” includes:

16 (i) A psychological evaluation;

17 (ii) Parental interview; and

18 (iii) Medical evaluation.

19 (4) (i) For purposes of this section, “sexual abuse” means any act that
20 involves sexual molestation or exploitation of a child whether or not the sexual molestation
21 or exploitation of the child is by a parent or other person who has permanent or temporary
22 care or custody or responsibility for supervision of a child, or by any household or family
23 member.

24 (ii) “Sexual abuse” includes:

25 1. Incest, rape, or sexual offense in any degree;

26 2. Sodomy; and

27 3. Unnatural or perverted sexual practices.

28 (b) If a physician or a hospital provides any of the services described in subsection
29 (c) of this section to a victim of an alleged rape or sexual offense or a victim of alleged child

1 sexual abuse, the services shall be provided without charge to the individual and the
2 physician or hospital is entitled to be paid by the Department for the costs of providing the
3 services.

4 (c) The services to which this section applies are:

5 (1) A physical examination to gather information and evidence as to the
6 alleged crime;

7 (2) Emergency hospital treatment and follow-up medical testing for up to
8 90 days after the initial physical examination in paragraph (1) of this subsection; and

9 (3) For up to 5 hours of professional time to gather information and
10 evidence as to the alleged sexual abuse, an initial assessment of a victim of alleged child
11 sexual abuse by:

12 (i) A physician;

13 (ii) Qualified hospital health care personnel;

14 (iii) A mental health professional; or

15 (iv) An interdisciplinary team expert in the field of child abuse.

16 (d) (1) A physician who examines a victim of alleged child sexual abuse under
17 the provisions of this section is immune from any civil liability that may result from the
18 failure of the physician to obtain consent from the child's parent, guardian, or custodian for
19 the examination or treatment of the child.

20 (2) The immunity extends to:

21 (i) Any hospital with which the physician is affiliated or to which
22 the child is brought; and

23 (ii) Any individual working under the control or supervision of the
24 hospital.]

25 SECTION 2. AND BE IT FURTHER ENACTED, That:

26 (a) The responsibility for carrying out the State's Criminal Injuries Compensation
27 Program currently in the Department of Public Safety and Correctional Services and the
28 program for sexual assault forensic examinations currently under the Department of
29 Health and Mental Hygiene shall be transferred to the Governor's Office of Crime Control
30 and Prevention on January 1, 2018.

31 (b) (1) All appropriations, including State and federal funds, held by the
32 agencies and units of the State to carry out the functions, programs, and services

1 transferred under this Act shall be transferred to the Governor's Office of Crime Control
2 and Prevention on January 1, 2018, provided that all payments for the sexual assault
3 forensic examination program under § 11-1007 of the Criminal Procedure Article, as
4 enacted by Section 1 of this Act, shall be dedicated to the sexual assault forensic
5 examination program.

6 (2) Funding for the services and programs under the Governor's Office of
7 Crime Control and Prevention shall be as provided in the fiscal year 2019 State budget.

8 (3) Federal ~~fund grants~~ Victim of Crime Act and Preventative Health and
9 Health Services Block Grant funds directed to the State through other State agencies shall
10 be transferred to the Governor's Office of Crime Control and Prevention on January 1, 2018.

11 (4) Preventative Health and Health Services Block Grant funds shall be
12 allocated to sexual assault crisis programs for direct services for survivors of sexual assault.

13 (c) On January 1, 2018, all of the functions, powers, duties, books and records
14 (including electronic records), real and personal property, equipment, fixtures, assets,
15 liabilities, obligations, credits, rights, and privileges of the agencies, units, and entities that
16 are transferred under this Act shall be transferred to the Governor's Office of Crime Control
17 and Prevention.

18 SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are
19 transferred to the Victim Services Unit of the Governor's Office of Crime Control and
20 Prevention as a result of this Act shall be transferred without diminution of their rights,
21 benefits, employment, or retirement status and that new hires in the same or similar
22 classifications as transferred positions shall receive the same rights and benefits.

23 SECTION 4. AND BE IT FURTHER ENACTED, That, except as expressly provided
24 to the contrary in this Act, any transaction affected by or flowing from any statute added,
25 amended, repealed, or transferred under this Act and validly entered into before the
26 effective date of this Act, and every right, duty, or interest flowing from it remains valid
27 after the effective date of this Act and may be terminated, completed, consummated, or
28 enforced under the law.

29 SECTION 5. AND BE IT FURTHER ENACTED, That, except as otherwise provided
30 by law, all existing laws, regulations, proposed regulations, standards and guidelines,
31 policies, orders and other directives, forms, plans, memberships, contracts, property,
32 investigations, administrative and judicial responsibilities, rights to sue and be sued, and
33 all other duties and responsibilities associated with the functions of the agencies and units
34 that are the subject of this Act prior to the effective date of this Act shall continue under
35 and, as appropriate, are legal and binding on the Victim Services Unit until completed,
36 withdrawn, canceled, modified, or otherwise changed under the law.

37 SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act shall affect
38 the terms of office of a member of any division, board, council, commission, authority, office,
39 unit, or other entity that is transferred by this Act to the Governor's Office of Crime Control

1 and Prevention. An individual who is a member of any such entity on the effective date of
2 this Act shall remain a member for the balance of the term to which the member is
3 appointed, unless the member sooner dies, resigns, or is removed under appropriate
4 provisions of law.

5 SECTION 7. AND BE IT FURTHER ENACTED, That any person licensed,
6 registered, permitted, or certified under any department, agency, office, or unit transferred
7 by this Act is considered for all purposes to be licensed, registered, permitted, or certified
8 for the duration of the term for which the license, registration, permit, or certification was
9 issued, and may renew that authorization in accordance with the appropriate renewal
10 provisions provided under this Act. Any person that was originally licensed, registered,
11 permitted, or certified under a provision of law that has been repealed by this Act as
12 obsolete or inconsistent continues to meet the requirements of the license, registration,
13 permit, or certification to the same extent as though that provision had not been repealed.

14 SECTION 8. AND BE IT FURTHER ENACTED, That the Victim Services Unit,
15 after consultation with the Department of Health and Mental Hygiene, shall adopt
16 regulations to fulfill the requirements of § 11–1007 of the Criminal Procedure Article of the
17 Annotated Code of Maryland, including provisions that will ensure the confidentiality of
18 victims' information. On the date the regulations adopted under this Section become
19 effective, COMAR regulations 10.12.02.01 through 10.12.02.05 are repealed.

20 SECTION 9. AND BE IT FURTHER ENACTED, That the Justice Reinvestment
21 Oversight Board shall:

22 (1) monitor the formation of the Victim Services Unit and provide oversight
23 and guidance to the Victim Services Unit;

24 (2) ensure that data systems developed and used by the Victim Services
25 Unit enhance victim services and are user friendly for persons responsible for the data
26 systems;

27 (3) ensure the Victim Services Unit adopts appropriate outcome measures,
28 reviews outcomes, and recommends any appropriate actions based on the outcomes;

29 (4) assess whether the current system of collecting restitution should
30 remain within the existing State and local entities; and

31 (5) report to the Governor and, in accordance with § 2–1246 of the State
32 Government Article of the Annotated Code of Maryland, the General Assembly by
33 December 31, 2018, on any recommendations to improve the process of restitution including
34 whether the Victim Services Unit can take over restitution collections without impacting
35 its ability to serve victims. In considering whether the Victim Services Unit should assume
36 the duties of collecting restitution the following matters should be included in the report:

37 (i) the needs of the unit, including personnel requirements;

1 (ii) whether, in order to avoid duplication of effort and resources, the
2 Victim Services Unit should take over the duties of collecting other money in addition to
3 restitution; and

4 (iii) ways to avoid confusion and to streamline the payment system
5 for persons owing restitution as well as other payments.

6 SECTION 10. AND BE IT FURTHER ENACTED, That all employees who are
7 transferred to the Victim Services Unit of the Governor's Office of Crime Control and
8 Prevention under this Act shall be allowed to remain at the location at which they were
9 employed on December 31, 2017.

10 SECTION 11. AND BE IT FURTHER ENACTED, That, on or before December 31
11 annually, the Governor's Office of Crime Control and Prevention shall provide a report to
12 the Governor and, in accordance with § 2-1246 of the State Government Article, the
13 General Assembly that includes an accounting of all grants related to services for victims
14 of crime that are administered by the Governor's Office of Crime Control and Prevention,
15 as well as a description of efforts to streamline reporting and data collection by grantees
16 and subgrantees serving victims of crime and a discussion of whether any grant
17 administration and reporting requirements that exceed federal requirements are efficient
18 and necessary for provision of victim services.

19 ~~SECTION 10.~~ SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 January 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.