

Chapter 429

(House Bill 1124)

AN ACT concerning

**Criminal Procedure – Statewide Sexual Assault Evidence Collection Kit Tracking System – ~~Requirements~~ Recommendations**

FOR the purpose of ~~requiring the Department of State Police, in consultation with the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, to create and operate a certain statewide sexual assault evidence collection kit tracking system; authorizing the Department to contract with certain entities for the creation, operation, and maintenance of a certain system; providing requirements for a certain tracking system; providing that certain records and information are exempt from public inspection and copying; requiring the Department to submit a certain report to the General Assembly on or before a certain date each year; requiring the Department to submit a certain request~~ requiring the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to develop recommendations regarding the creation and operation of a statewide sexual assault evidence collection kit tracking system that is accessible to victims of sexual assault and law enforcement; requiring the Committee to submit a certain application for a grant for funding to the federal government on or before a certain date; defining certain terms; and generally relating to sexual assault evidence.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section ~~11-926(b) and (c)~~ 11-927(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2017 Supplement)

BY ~~adding to~~ repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section ~~11-928~~ 11-927(e)(1)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2017 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.~~

~~(b) A health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault shall provide the victim with:~~

~~(1) contact information for the investigating law enforcement agency that the victim may contact about the status and results of the kit analysis; and~~

~~(2) written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit.~~

~~(c) 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, shall provide the victim with:~~

~~(1) information about the status of the kit analysis; and~~

~~(2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation.~~

### ~~11-928.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.~~

~~(3) "STATE POLICE CRIME LABORATORY" MEANS THE FORENSIC SCIENCES DIVISION OF THE DEPARTMENT.~~

~~(4) "SYSTEM" MEANS THE STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM.~~

~~(B) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE, SHALL CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM.~~

~~(2) THE DEPARTMENT MAY CONTRACT WITH STATE, LOCAL, OR PRIVATE ENTITIES, INCLUDING SOFTWARE AND TECHNOLOGY PROVIDERS, FOR THE CREATION, OPERATION, AND MAINTENANCE OF THE SYSTEM.~~

~~(C) THE SYSTEM SHALL:~~

~~(1) TRACK THE LOCATION AND STATUS OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS THROUGHOUT THE CRIMINAL JUSTICE PROCESS, INCLUDING THE INITIAL COLLECTION IN EXAMINATIONS PERFORMED AT MEDICAL FACILITIES, RECEIPT AND STORAGE AT LAW ENFORCEMENT AGENCIES, RECEIPT~~

~~AND ANALYSIS AT FORENSIC LABORATORIES, AND STORAGE AND ANY DESTRUCTION AFTER COMPLETION OF ANALYSIS;~~

~~(2) ALLOW MEDICAL FACILITIES PERFORMING SEXUAL ASSAULT FORENSIC EXAMINATIONS, LAW ENFORCEMENT AGENCIES, PROSECUTORS, THE STATE POLICE CRIME LABORATORY, AND OTHER ENTITIES THAT HAVE CUSTODY OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS TO UPDATE AND TRACK THE STATUS AND LOCATION OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS;~~

~~(3) ALLOW VICTIMS OF SEXUAL ASSAULT TO ANONYMOUSLY TRACK OR RECEIVE UPDATES REGARDING THE STATUS OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT; AND~~

~~(4) ALLOW CONTINUOUS ELECTRONIC ACCESS.~~

~~(D) ANY RECORDS AND INFORMATION CONTAINED IN THE SYSTEM ARE EXEMPT FROM PUBLIC INSPECTION AND COPYING.~~

~~(E) THE DEPARTMENT SHALL SUBMIT A REPORT ON THE STATUS AND PLAN FOR LAUNCHING THE SYSTEM TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JANUARY 1 OF EACH YEAR.~~

11-927.

(a) In this section, "Committee" means the Maryland Sexual Assault Evidence Kit Policy and Funding Committee.

(e) (1) The Committee shall develop and disseminate best practices information and recommendations regarding:

(i) the testing and retention of sexual assault evidence collection kits;

(ii) coordination between State agencies, victim services providers, local law enforcement, and local sexual assault response teams;

(iii) payment for sexual assault evidence collection kits;

(iv) increasing the availability of sexual assault evidence collection exams for alleged victims of sexual assault;

(v) reducing the shortage of forensic nurse examiners; [and]

(vi) increasing the availability of information to sexual assault victims regarding:

1. criminal prosecutions of sexual assault crimes;
2. civil law remedies available to victims of sexual assault;
3. sexual assault evidence collection kits; and
4. victim rights; AND

**(VII) CREATING AND OPERATING A STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM THAT IS ACCESSIBLE TO VICTIMS OF SEXUAL ASSAULT AND LAW ENFORCEMENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That the ~~Department of State Police~~ Maryland Sexual Assault Evidence Kit Policy and Funding Committee shall submit ~~a request for~~ an application for a grant of funding, as appropriate, to support the implementation of the Committee's recommendations to the federal government, including the Department of Justice, on or before January 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019~~ June 1, 2018.

**Approved by the Governor, May 8, 2018.**