

# HOUSE BILL 247

E2

(8lr0080)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

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

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### 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; requiring the office for the Criminal Injuries Compensation Board to  
7 remain at a certain location for a certain period of time and for certain purposes;  
8 transferring the program for sexual assault forensic examinations from the  
9 Maryland Department of Health to the Victim Services Unit; transferring certain  
10 duties and rights regarding the Criminal Injuries Compensation Board from the  
11 Secretary of Public Safety and Correctional Services to the Executive Director of the  
12 Governor's Office of Crime Control and Prevention; providing the Executive Director  
13 with certain authority over the Criminal Injuries Compensation Board; transferring  
14 and altering provisions of law to require the Criminal Injuries Compensation Board

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 to pay certain claims related to forensic examinations for certain sexually related  
 2 crimes under certain circumstances; providing for the appointment and salary of a  
 3 Director of the Victim Services Unit; requiring the Director to take certain actions;  
 4 requiring the Victim Services Unit to perform certain duties; providing that certain  
 5 employees transferred to the Victim Services Unit under this Act be transferred  
 6 without diminution of certain rights, benefits, or employment or retirement status;  
 7 ~~providing that certain new hires be classified in a certain service; requiring certain~~  
 8 ~~transferred employees to be allowed to maintain a certain work location;~~ providing  
 9 for the continuity of certain transactions affected by or flowing from this Act;  
 10 providing for the continuity of certain laws, rules and regulations, standards and  
 11 guidelines, policies, orders, and other directives, permits and licenses, applications,  
 12 forms, plans, memberships, contracts, property, investigations, and administrative  
 13 and judicial responsibilities; defining certain terms; providing for the transfer of  
 14 certain services, appropriations, funding, and grants to the Victim Services Unit on  
 15 a certain date; providing for the transfer of certain property, records, fixtures,  
 16 appropriations, credits, assets, liabilities, obligations, rights, and privileges to the  
 17 Victim Services Unit; providing for appropriate transitional provisions relating to  
 18 the continuity of certain boards and other units; providing for the continuity of  
 19 certain persons that are licensed, registered, permitted, and certified under certain  
 20 departments, offices, and units; providing for the continuity of certain contracts,  
 21 agreements, grants, or other obligations; requiring the adoption of certain  
 22 regulations under certain circumstances; requiring the Justice Reinvestment  
 23 Oversight Board to report by a certain date on certain issues relating to restitution;  
 24 requiring the Governor's Office of Crime Control and Prevention to provide a certain  
 25 report to the Governor and the General Assembly; and generally relating to a Victim  
 26 Services Unit in the Governor's Office of Crime Control and Prevention.

27 BY repealing

28 Article – Correctional Services  
 29 Section 2–201(10)  
 30 Annotated Code of Maryland  
 31 (2017 Replacement Volume)

32 BY repealing and reenacting, with amendments,

33 Article – Correctional Services  
 34 Section 2–201(11) through (14)  
 35 Annotated Code of Maryland  
 36 (2017 Replacement Volume)

37 BY adding to

38 Article – Criminal Procedure  
 39 Section 11–801(f), 11–816.1, and 11–1007; and 11–1101 through 11–1105 to be under  
 40 the new subtitle “Subtitle 11. Victim Services Unit”  
 41 Annotated Code of Maryland  
 42 (2008 Replacement Volume and 2017 Supplement)

43 BY repealing and reenacting, with amendments,

1 Article – Criminal Procedure  
 2 Section 11–801(f), 11–803, 11–804(a), (b)(3), and (d), 11–805(a), 11–814, and  
 3 11–815(c)  
 4 Annotated Code of Maryland  
 5 (2008 Replacement Volume and 2017 Supplement)

6 BY repealing  
 7 Article – Health – General  
 8 Section 15–127  
 9 Annotated Code of Maryland  
 10 (2015 Replacement Volume and 2017 Supplement)

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

13 **Article – Correctional Services**

14 2–201.

15 The following units are in the Department:

- 16 [(10) the Criminal Injuries Compensation Board;]
- 17 [(11) (10) the Emergency Number Systems Board;
- 18 [(12) (11) the Sundry Claims Board;
- 19 [(13) (12) the Inmate Grievance Office; and
- 20 [(14) (13) any other unit that by law is declared to be part of the
- 21 Department.

22 **Article – Criminal Procedure**

23 11–801.

24 (F) **“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE**  
 25 **GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

- 26 [(f)] (G) “Victim” means a person:
- 27 (1) who suffers physical injury or death as a result of a crime or delinquent
- 28 act;
- 29 (2) who suffers psychological injury as a direct result of:

1 (i) a fourth degree sexual offense or a delinquent act that would be  
2 a fourth degree sexual offense if committed by an adult;

3 (ii) a felony or a delinquent act that would be a felony if committed  
4 by an adult; or

5 (iii) physical injury or death directly resulting from a crime or  
6 delinquent act; or

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

8 (i) trying to prevent a crime or delinquent act or an attempted crime  
9 or delinquent act from occurring in the person's presence;

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

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

16 11-803.

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

19 11-804.

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

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

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

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

28 11-805.

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

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

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

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

11 (i) whether a crime or a delinquent act was committed or attempted;  
12 and

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

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

18 (5) to direct medical examination of victims;

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

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

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

27 11-814.

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

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

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

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

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

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

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

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

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

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

16 11-815.

17 (c) Within 30 days after the final decision of the [Secretary] **EXECUTIVE**  
18 **DIRECTOR**, a claimant aggrieved by that decision may appeal the decision under  
19 §§ 10-222 and 10-223 of the State Government Article.

20 **11-816.1.**

21 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, ONLY THE**  
22 **PROVISIONS OF § 11-1007 OF THIS TITLE AND ANY APPLICABLE REGULATIONS**  
23 **ADOPTED TO CARRY OUT THE PROVISIONS OF THAT SECTION APPLY TO**  
24 **REIMBURSEMENT FOR FORENSIC EXAMINATIONS AND OTHER ELIGIBLE EXPENSES**  
25 **FOR CASES INVOLVING RAPE, SEXUAL OFFENSES, OR CHILD SEXUAL ABUSE.**

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

29 **11-1007.**

30 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
31 **INDICATED.**

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

2           (3)    “INITIAL ASSESSMENT” INCLUDES:

3                   (I)    A PSYCHOLOGICAL EVALUATION;

4                   (II)   A PARENTAL INTERVIEW; AND

5                   (III)   A MEDICAL EVALUATION.

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

8                   (5)    “QUALIFIED HEALTH CARE PROVIDER” MEANS AN INDIVIDUAL  
9 WHO IS LICENSED BY A HEALTH OCCUPATIONS BOARD ESTABLISHED UNDER THE  
10 HEALTH OCCUPATIONS ARTICLE.

11           ~~(5)~~ (6)    (I)    “SEXUAL ABUSE” MEANS ANY ACT THAT INVOLVES  
12 SEXUAL MOLESTATION OR EXPLOITATION OF A CHILD WHETHER OR NOT THE  
13 SEXUAL MOLESTATION OR EXPLOITATION OF THE CHILD IS BY A PARENT OR OTHER  
14 INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR  
15 RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY ANY HOUSEHOLD OR FAMILY  
16 MEMBER.

17                   (II)   “SEXUAL ABUSE” INCLUDES:

18                           1.    INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE;

19                           2.    SODOMY; AND

20                           3.    UNNATURAL OR PERVERTED SEXUAL PRACTICES.

21           (B)    IF A PHYSICIAN, A QUALIFIED HEALTH CARE PROVIDER, OR A HOSPITAL  
22 PROVIDES A SERVICE DESCRIBED IN SUBSECTION (C) OF THIS SECTION TO A VICTIM  
23 OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL  
24 ABUSE:

25                   (1)    THE SERVICES SHALL BE PROVIDED WITHOUT CHARGE TO THE  
26 INDIVIDUAL; AND

27                   (2)    THE PHYSICIAN, QUALIFIED HEALTH CARE PROVIDER, OR  
28 HOSPITAL IS ENTITLED TO BE PAID BY THE CRIMINAL INJURIES COMPENSATION  
29 BOARD AS PROVIDED UNDER SUBTITLE 8 OF THIS TITLE FOR THE COSTS OF  
30 PROVIDING THE SERVICES.

1 (C) THIS SECTION APPLIES TO THE FOLLOWING SERVICES:

2 (1) A PHYSICAL EXAMINATION TO GATHER INFORMATION AND  
3 EVIDENCE AS TO AN ALLEGED CRIME;

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

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

9 (I) A PHYSICIAN;

10 (II) QUALIFIED HOSPITAL HEALTH CARE PERSONNEL;

11 (III) A QUALIFIED HEALTH CARE PROVIDER;

12 ~~(III)~~ (IV) A MENTAL HEALTH PROFESSIONAL; OR

13 ~~(IV)~~ (V) AN INTERDISCIPLINARY TEAM EXPERT IN THE FIELD  
14 OF CHILD ABUSE.

15 (D) (1) A PHYSICIAN OR A QUALIFIED HEALTH CARE PROVIDER WHO  
16 EXAMINES A VICTIM OF ALLEGED CHILD SEXUAL ABUSE UNDER THE PROVISIONS OF  
17 THIS SECTION IS IMMUNE FROM CIVIL LIABILITY THAT MAY RESULT FROM THE  
18 FAILURE OF THE PHYSICIAN OR QUALIFIED HEALTH CARE PROVIDER TO OBTAIN  
19 CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE  
20 EXAMINATION OR TREATMENT OF THE CHILD.

21 (2) THE IMMUNITY EXTENDS TO:

22 (I) ANY HOSPITAL WITH WHICH THE PHYSICIAN OR QUALIFIED  
23 HEALTH CARE PROVIDER IS AFFILIATED OR TO WHICH THE CHILD IS BROUGHT; AND

24 (II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR  
25 SUPERVISION OF THE HOSPITAL.

26 SUBTITLE 11. VICTIM SERVICES UNIT.

27 11-1101.

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

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

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

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

7 11-1102.

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

10 (B) THE UNIT CONSISTS OF:

11 (1) THE CRIMINAL INJURIES COMPENSATION BOARD UNDER  
12 SUBTITLE 8 OF THIS TITLE;

13 (2) THE PROGRAM FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS  
14 UNDER § 11-1007 OF THIS TITLE;

15 (3) A RESTITUTION SECTION; AND

16 (4) ANY OTHER PROGRAM THAT PROVIDES VICTIM SERVICES UNDER  
17 THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION THAT THE  
18 EXECUTIVE DIRECTOR DETERMINES WOULD BENEFIT FROM INCLUSION UNDER THE  
19 UNIT.

20 11-1103.

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

23 (B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE STATE  
24 BUDGET.

25 (C) THE DIRECTOR SHALL REGULARLY CONSULT WITH, COLLABORATE  
26 WITH, AND CONSIDER THE RECOMMENDATIONS OF THE FEDERALLY RECOGNIZED  
27 STATE SEXUAL ASSAULT COALITION REGARDING SEXUAL ASSAULT CRISIS  
28 PROGRAMS AND POLICIES, PRACTICES, AND PROCEDURES THAT IMPACT VICTIMS OF  
29 SEXUAL ASSAULT, INCLUDING ADMINISTRATION OF THE PROGRAM FOR SEXUAL  
30 ASSAULT FORENSIC EXAMINATIONS UNDER § 11-1007 OF THIS TITLE.

1 11-1104.

2 THE UNIT SHALL COORDINATE WITH THE JUDICIARY, THE DEPARTMENT OF  
3 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT OF JUVENILE  
4 SERVICES, THE CENTRAL COLLECTION UNIT, STATE'S ATTORNEY'S OFFICES, AND  
5 LOCAL CORRECTIONAL FACILITIES TO:

6 (1) COLLECT DATA;

7 (2) DEVELOP BEST PRACTICES, USING DATA AND OTHER EVIDENCE  
8 TO THE EXTENT AVAILABLE, FOR RESTITUTION COLLECTION;

9 (3) COORDINATE AND IMPROVE EFFORTS OF STATE AND LOCAL  
10 ENTITIES REGARDING RESTITUTION;

11 (4) ENSURE THE INTEROPERABILITY OF JUSTICE SYSTEM  
12 DATABASES;

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

15 (6) COORDINATE EFFORTS TO IMPROVE RESTITUTION COLLECTION.

16 11-1105.

17 (A) THE UNIT SHALL:

18 (1) MONITOR AND PROVIDE GUIDANCE TO THE SECRETARY ON THE  
19 ADOPTION OF REGULATIONS ESTABLISHING MINIMUM MANDATORY STANDARDS  
20 FOR STATE AND LOCAL CORRECTIONAL FACILITIES REGARDING VICTIM  
21 NOTIFICATION, RESTITUTION, AND ADMINISTRATIVE RECORD KEEPING;

22 (2) ENCOURAGE THE USE OF EARNINGS WITHHOLDING ORDERS TO  
23 COLLECT RESTITUTION;

24 (3) COORDINATE WITH THE CENTRAL COLLECTION UNIT TO  
25 IMPROVE RESTITUTION COLLECTION;

26 (4) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION  
27 TO MODERNIZE AND IMPROVE COLLECTIONS AND COLLABORATE ON  
28 COMMUNICATING WITH PAROLE AND PROBATION AGENTS ON THEIR ROLE IN  
29 RESTITUTION COLLECTION;





1 program for sexual assault forensic examinations currently under the Maryland  
2 Department of Health shall be transferred to the Governor's Office of Crime Control and  
3 Prevention on ~~January 1, 2019~~ July 1, 2018; ~~however, the office of the Criminal Injuries~~  
4 ~~Compensation Board shall remain at its current location in Baltimore City. The Criminal~~  
5 ~~Injuries Compensation Board shall maintain an office at its current location in Baltimore~~  
6 ~~City until at least July 1, 2020, for the purpose of accepting claims, providing assistance on~~  
7 ~~filing claims, and holding hearings.~~

8 (b) (1) All appropriations, including State and federal funds, held by the  
9 agencies and units of the State to carry out the functions, programs, and services  
10 transferred under this Act shall be transferred to the Governor's Office of Crime Control  
11 and Prevention and deposited in the Criminal Injuries Compensation Fund on ~~January 1,~~  
12 ~~2019~~ July 1, 2018, provided that all payments for the sexual assault forensic examination  
13 program under § 11-1007 of the Criminal Procedure Article, as enacted by Section 1 of this  
14 Act, shall be dedicated to the sexual assault forensic examination program.

15 (2) Funding for the services and programs under the Governor's Office of  
16 Crime Control and Prevention shall be as provided in the ~~fiscal year 2020~~ State budget.

17 (3) Federal Victim of Crime Act funds directed to the Criminal Injuries  
18 Compensation Board or the sexual assault forensic examination program under §  
19 11-1007 of the Criminal Procedure Article, as enacted by Section 1 of this Act, shall be  
20 transferred to the Governor's Office of Crime Control and Prevention on ~~January 1, 2019~~  
21 July 1, 2018.

22 (c) On ~~January 1, 2019~~ July 1, 2018, all of the functions, powers, duties, books  
23 and records (including electronic records), real and personal property, equipment, fixtures,  
24 assets, liabilities, obligations, credits, rights, and privileges of the agencies, units, and  
25 entities that are transferred under this Act shall be transferred to the Governor's Office of  
26 Crime Control and Prevention.

27 SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are  
28 transferred to the Victim Services Unit of the Governor's Office of Crime Control and  
29 Prevention as a result of this Act shall be transferred without diminution of their rights,  
30 benefits, or employment or retirement status. New hires performing the same or similar  
31 duties as transferred employees who are classified in the skilled or professional service  
32 under the State personnel management system shall also be classified in the skilled or  
33 professional service.

34 ~~SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are~~  
35 ~~transferred to the Victim Services Unit of the Governor's Office of Crime Control and~~  
36 ~~Prevention as a result of this Act shall be allowed to maintain their current work location.~~

37 SECTION ~~4.~~ 5. 4. AND BE IT FURTHER ENACTED, That, except as expressly  
38 provided to the contrary in this Act, any transaction affected by or flowing from any statute  
39 added, amended, repealed, or transferred under this Act and validly entered into before the  
40 effective date of this Act, and every right, duty, or interest flowing from it remains valid

1 after the effective date of this Act and may be terminated, completed, consummated, or  
2 enforced under the law.

3 SECTION ~~5~~ ~~6~~ 5. AND BE IT FURTHER ENACTED, That, except as otherwise  
4 provided by law, all existing laws, regulations, proposed regulations, standards and  
5 guidelines, policies, orders and other directives, forms, plans, memberships, contracts,  
6 property, investigations, administrative and judicial responsibilities, rights to sue and be  
7 sued, and all other duties and responsibilities associated with the functions of the agencies  
8 and units that are the subject of this Act prior to the effective date of this Act shall continue  
9 under and, as appropriate, are legal and binding on the Victim Services Unit until  
10 completed, withdrawn, canceled, modified, or otherwise changed under the law.

11 SECTION ~~6~~ ~~7~~ 6. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
12 affect the terms of office of a member of any division, board, council, commission, authority,  
13 office, unit, or other entity that is transferred by this Act to the Governor's Office of Crime  
14 Control and Prevention. An individual who is a member of any such entity on the effective  
15 date of this Act shall remain a member for the balance of the term to which the member is  
16 appointed, unless the member sooner dies, resigns, or is removed under appropriate  
17 provisions of law.

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

27 SECTION ~~8~~ ~~9~~ 8. AND BE IT FURTHER ENACTED, That the Victim Services Unit,  
28 after consultation with the Maryland Department of Health, shall adopt regulations to  
29 fulfill the requirements of § 11-1007 of the Criminal Procedure Article, as enacted by  
30 Section 1 of this Act, including provisions that will ensure the confidentiality of victims'  
31 information. On the date the regulations adopted under this section become effective,  
32 COMAR regulations 10.12.02.01 through 10.12.02.05 are repealed.

33 SECTION ~~9~~ ~~10~~ 9. AND BE IT FURTHER ENACTED, That the Justice  
34 Reinvestment Oversight Board shall:

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

37 (2) ensure that data systems developed and used by the Victim Services  
38 Unit enhance victim services and are user-friendly for persons responsible for the data  
39 systems;

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

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

5 (5) report to the Governor and, in accordance with § 2–1246 of the State  
6 Government Article, the General Assembly by December 31, 2019, on any  
7 recommendations to improve the process of restitution, including whether the Victim  
8 Services Unit can take over restitution collections without impacting its ability to serve  
9 victims. In considering whether the Victim Services Unit should assume the duties of  
10 collecting restitution, the following matters should be included in the report:

11 (i) the needs of the Victim Services Unit, including personnel  
12 requirements;

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

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

18 SECTION ~~10~~, ~~11~~, 10. AND BE IT FURTHER ENACTED, That, on or before  
19 December 31, 2020, the Governor's Office of Crime Control and Prevention shall provide a  
20 report to the Governor and, in accordance with § 2–1246 of the State Government Article,  
21 the General Assembly that provides an update on issues relating to the implementation of  
22 this Act, including the office locations of the Victim Services Unit, the number of employees  
23 at each location, any budgetary concerns, improvements to the restitution collection  
24 process, and any significant changes planned for the Victim Services Unit.

25 SECTION ~~11~~, ~~12~~, 11. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect July 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.