

# HOUSE BILL 247

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HB 1428/17 – JUD

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CF 8lr2120

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

Introduced and read first time: January 19, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

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 Maryland Department of Health to the Victim Services Unit; transferring  
8 certain duties and rights regarding the Criminal Injuries Compensation Board from  
9 the Secretary of Public Safety and Correctional Services to the Executive Director of  
10 the Governor’s Office of Crime Control and Prevention; providing the Executive  
11 Director with certain authority over the Criminal Injuries Compensation Board;  
12 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; providing for the continuity of certain transactions  
20 affected by or flowing from this Act; providing for the continuity of certain laws, rules  
21 and regulations, standards and guidelines, policies, orders, and other directives,  
22 permits and licenses, applications, forms, plans, memberships, contracts, property,  
23 investigations, and administrative and judicial responsibilities; defining certain  
24 terms; providing for the transfer of certain services, appropriations, funding, and  
25 grants to the Victim Services Unit on a certain date; providing for the transfer of  
26 certain property, records, fixtures, appropriations, credits, assets, liabilities,  
27 obligations, rights, and privileges to the Victim Services Unit; providing for  
28 appropriate transitional provisions relating to the continuity of certain boards and  
29 other units; providing for the continuity of certain persons that are licensed,  
30 registered, permitted, and certified under certain departments, offices, and units;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 providing for the continuity of certain contracts, agreements, grants, or other  
2 obligations; requiring the adoption of certain regulations under certain  
3 circumstances; requiring the Justice Reinvestment Oversight Board to report by a  
4 certain date on certain issues relating to restitution; requiring the Governor's Office  
5 of Crime Control and Prevention to provide a certain report to the Governor and the  
6 General Assembly; and generally relating to a Victim Services Unit in the Governor's  
7 Office of Crime Control and Prevention.

8 BY repealing

9 Article – Correctional Services  
10 Section 2–201(10)  
11 Annotated Code of Maryland  
12 (2017 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – Correctional Services  
15 Section 2–201(11) through (14)  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume)

18 BY adding to

19 Article – Criminal Procedure  
20 Section 11–801(f), 11–816.1, and 11–1007; and 11–1101 through 11–1105 to be under  
21 the new subtitle “Subtitle 11. Victim Services Unit”  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2017 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Criminal Procedure  
26 Section 11–801(f), 11–803, 11–804(a), (b)(3), and (d), 11–805(a), 11–814, and  
27 11–815(c)  
28 Annotated Code of Maryland  
29 (2008 Replacement Volume and 2017 Supplement)

30 BY repealing

31 Article – Health – General  
32 Section 15–127  
33 Annotated Code of Maryland  
34 (2015 Replacement Volume and 2017 Supplement)

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

37 **Article – Correctional Services**

38 2–201.

1 The following units are in the Department:

2 [(10) the Criminal Injuries Compensation Board;]

3 [(11)] (10) the Emergency Number Systems Board;

4 [(12)] (11) the Sundry Claims Board;

5 [(13)] (12) the Inmate Grievance Office; and

6 [(14)] (13) any other unit that by law is declared to be part of the  
7 Department.

### 8 Article – Criminal Procedure

9 11–801.

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

12 [(f)] (G) “Victim” means a person:

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

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

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

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

20 (iii) physical injury or death directly resulting from a crime or  
21 delinquent act; or

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

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

25 (ii) trying to apprehend an offender who had committed a crime or  
26 delinquent act in the person’s presence or had committed a felony or a delinquent act that  
27 would be a felony if committed by an adult; or

28 (iii) helping a law enforcement officer in the performance of the

1 officer's duties or helping a member of a fire department who is being obstructed from  
2 performing the member's duties.

3 11-803.

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

6 11-804.

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

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

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

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

15 11-805.

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

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

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

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

29 (i) whether a crime or a delinquent act was committed or attempted;  
30 and

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

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

4 (5) to direct medical examination of victims;

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

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

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

13 11-814.

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

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

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

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

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

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

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

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

31 (d) The decision of the [Secretary] **EXECUTIVE DIRECTOR** to affirm, modify, or

1 reverse the decision of the Board is final.

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

3 11-815.

4 (c) Within 30 days after the final decision of the [Secretary] **EXECUTIVE**  
5 **DIRECTOR**, a claimant aggrieved by that decision may appeal the decision under  
6 §§ 10-222 and 10-223 of the State Government Article.

7 **11-816.1.**

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

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

16 **11-1007.**

17 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
18 **INDICATED.**

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

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

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

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

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

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

26 (5) (I) **“SEXUAL ABUSE” MEANS ANY ACT THAT INVOLVES SEXUAL**  
27 **MOLESTATION OR EXPLOITATION OF A CHILD WHETHER OR NOT THE SEXUAL**  
28 **MOLESTATION OR EXPLOITATION OF THE CHILD IS BY A PARENT OR OTHER**  
29 **INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR**

1 RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY ANY HOUSEHOLD OR FAMILY  
2 MEMBER.

3 (II) "SEXUAL ABUSE" INCLUDES:

- 4 1. INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE;
- 5 2. SODOMY; AND
- 6 3. UNNATURAL OR PERVERTED SEXUAL PRACTICES.

7 (B) IF A PHYSICIAN OR A HOSPITAL PROVIDES A SERVICE DESCRIBED IN  
8 SUBSECTION (C) OF THIS SECTION TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL  
9 OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL ABUSE:

10 (1) THE SERVICES SHALL BE PROVIDED WITHOUT CHARGE TO THE  
11 INDIVIDUAL; AND

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

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

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

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

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

23 (I) A PHYSICIAN;

24 (II) QUALIFIED HOSPITAL HEALTH CARE PERSONNEL;

25 (III) A MENTAL HEALTH PROFESSIONAL; OR

26 (IV) AN INTERDISCIPLINARY TEAM EXPERT IN THE FIELD OF  
27 CHILD ABUSE.

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

6           (2) THE IMMUNITY EXTENDS TO:

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

9                   (II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR  
10 SUPERVISION OF THE HOSPITAL.

11                                   SUBTITLE 11. VICTIM SERVICES UNIT.

12 11-1101.

13           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
14 INDICATED.

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

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

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

19 11-1102.

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

22           (B) THE UNIT CONSISTS OF:

23                   (1) THE CRIMINAL INJURIES COMPENSATION BOARD UNDER  
24 SUBTITLE 8 OF THIS TITLE;

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

27                   (3) A RESTITUTION SECTION; AND



1           **(4) ANY OTHER PROGRAM THAT PROVIDES VICTIM SERVICES UNDER**  
2 **THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION THAT THE**  
3 **EXECUTIVE DIRECTOR DETERMINES WOULD BENEFIT FROM INCLUSION UNDER THE**  
4 **UNIT.**

5 **11-1103.**

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

8           **(B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE STATE**  
9 **BUDGET.**

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

16 **11-1104.**

17           **THE UNIT SHALL COORDINATE WITH THE JUDICIARY, THE DEPARTMENT OF**  
18 **PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT OF JUVENILE**  
19 **SERVICES, THE CENTRAL COLLECTION UNIT, STATE'S ATTORNEY'S OFFICES, AND**  
20 **LOCAL CORRECTIONAL FACILITIES TO:**

21           **(1) COLLECT DATA;**

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

24           **(3) COORDINATE AND IMPROVE EFFORTS OF STATE AND LOCAL**  
25 **ENTITIES REGARDING RESTITUTION;**

26           **(4) ENSURE THE INTEROPERABILITY OF JUSTICE SYSTEM**  
27 **DATABASES;**

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

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

1 11-1105.

2 (A) THE UNIT SHALL:

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

7 (2) ENCOURAGE THE USE OF EARNINGS WITHHOLDING ORDERS TO  
8 COLLECT RESTITUTION;

9 (3) COORDINATE WITH THE CENTRAL COLLECTION UNIT TO  
10 IMPROVE RESTITUTION COLLECTION;

11 (4) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION  
12 TO MODERNIZE AND IMPROVE COLLECTIONS AND COLLABORATE ON  
13 COMMUNICATING WITH PAROLE AND PROBATION AGENTS ON THEIR ROLE IN  
14 RESTITUTION COLLECTION;

15 (5) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION  
16 AND THE CENTRAL COLLECTION UNIT ON WAYS TO EXPEDITE THE REFERRAL OF  
17 CASES TO THE CENTRAL COLLECTION UNIT;

18 (6) DEVELOP PROGRAMS TO BE PRESENTED TO THE MARYLAND  
19 STATE'S ATTORNEYS' ASSOCIATION TO EMPHASIZE STATUTORY OBLIGATIONS  
20 REGARDING RESTITUTION;

21 (7) PROMOTE NOTIFICATION TO VICTIMS; AND

22 (8) EXAMINE THE CURRENT REMEDIES AVAILABLE TO ENFORCE  
23 RESTITUTION ORDERS TO DETERMINE WHETHER THE REMEDIES ARE BEING  
24 EFFECTIVELY USED AND MAKE RECOMMENDATIONS REGARDING THE NEED FOR  
25 ADDITIONAL REMEDIES.

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

29 Article – Health – General

30 [15-127.

31 (a) (1) In this section the following words have the meanings 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)   Parental interview; and

5                   (iii)   Medical evaluation.

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

11                   (ii)   “Sexual abuse” includes:

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

13                           2.    Sodomy; and

14                           3.    Unnatural or perverted sexual practices.

15           (b)    If a physician or a hospital provides any of the services described in subsection  
16 (c) of this section to a victim of an alleged rape or sexual offense or a victim of alleged child  
17 sexual abuse, the services shall be provided without charge to the individual and the  
18 physician or hospital is entitled to be paid by the Department for the costs of providing the  
19 services.

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

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

23                   (2)    Emergency hospital treatment and follow-up medical testing for up to  
24 90 days after the initial physical examination in paragraph (1) of this subsection; and

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

28                           (i)    A physician;

29                           (ii)   Qualified hospital health care personnel;

1 (iii) A mental health professional; or

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

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

7 (2) The immunity extends to:

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

10 (ii) Any individual working under the control or supervision of the  
11 hospital.]

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

13 (a) The responsibility for carrying out the State's Criminal Injuries Compensation  
14 Program currently in the Department of Public Safety and Correctional Services and the  
15 program for sexual assault forensic examinations currently under the Maryland  
16 Department of Health shall be transferred to the Governor's Office of Crime Control and  
17 Prevention on January 1, 2019.

18 (b) (1) All appropriations, including State and federal funds, held by the  
19 agencies and units of the State to carry out the functions, programs, and services  
20 transferred under this Act shall be transferred to the Governor's Office of Crime Control  
21 and Prevention on January 1, 2019, provided that all payments for the sexual assault  
22 forensic examination program under § 11-1007 of the Criminal Procedure Article, as  
23 enacted by Section 1 of this Act, shall be dedicated to the sexual assault forensic  
24 examination program.

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

27 (3) Federal Victim of Crime Act funds directed to the Criminal Injuries  
28 Compensation Board or the sexual assault forensic examination program under §  
29 11-1007 of the Criminal Procedure Article, as enacted by Section 1 of this Act, shall be  
30 transferred to the Governor's Office of Crime Control and Prevention on January 1, 2019.

31 (c) On January 1, 2019, all of the functions, powers, duties, books and records  
32 (including electronic records), real and personal property, equipment, fixtures, assets,  
33 liabilities, obligations, credits, rights, and privileges of the agencies, units, and entities that  
34 are transferred under this Act shall be transferred to the Governor's Office of Crime Control  
35 and Prevention.

1 SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are  
2 transferred to the Victim Services Unit of the Governor's Office of Crime Control and  
3 Prevention as a result of this Act shall be transferred without diminution of their rights,  
4 benefits, or employment or retirement status.

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

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

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

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

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

41 SECTION 9. AND BE IT FURTHER ENACTED, That the Justice Reinvestment

1 Oversight Board shall:

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

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

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

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

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

17 (i) the needs of the Victim Services Unit, including personnel  
18 requirements;

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

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

24 SECTION 10. AND BE IT FURTHER ENACTED, That, on or before December 31,  
25 2020, the Governor's Office of Crime Control and Prevention shall provide a report to the  
26 Governor and, in accordance with § 2-1246 of the State Government Article, the General  
27 Assembly that provides an update on issues relating to the implementation of this Act,  
28 including the office locations of the Victim Services Unit, the number of employees at each  
29 location, any budgetary concerns, improvements to the restitution collection process, and  
30 any significant changes planned for the Victim Services Unit.

31 SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 July 1, 2018.