

HOUSE BILL 247

E2
HB 1428/17 – JUD

8lr0080
CF SB 963

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

Introduced and read first time: January 19, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

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; transferring the program for sexual assault forensic
8 examinations from the Maryland Department of Health to the Victim Services Unit;
9 transferring certain duties and rights regarding the Criminal Injuries Compensation
10 Board from the Secretary of Public Safety and Correctional Services to the Executive
11 Director of the Governor’s Office of Crime Control and Prevention; providing the
12 Executive Director with certain authority over the Criminal Injuries Compensation
13 Board; transferring and altering provisions of law to require the Criminal Injuries
14 Compensation Board to pay certain claims related to forensic examinations for
15 certain sexually related crimes under certain circumstances; providing for the
16 appointment and salary of a Director of the Victim Services Unit; requiring the
17 Director to take certain actions; requiring the Victim Services Unit to perform
18 certain duties; providing that certain employees transferred to the Victim Services
19 Unit under this Act be transferred without diminution of certain rights, benefits, or
20 employment or retirement status; providing that certain new hires be classified in a
21 certain service; requiring certain transferred employees to be allowed to maintain a
22 certain work location; providing for the continuity of certain transactions affected by
23 or flowing from this Act; providing for the continuity of certain laws, rules and
24 regulations, standards and guidelines, policies, orders, and other directives, permits

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

17 BY repealing

18 Article – Correctional Services
19 Section 2–201(10)
20 Annotated Code of Maryland
21 (2017 Replacement Volume)

22 BY repealing and reenacting, with amendments,

23 Article – Correctional Services
24 Section 2–201(11) through (14)
25 Annotated Code of Maryland
26 (2017 Replacement Volume)

27 BY adding to

28 Article – Criminal Procedure
29 Section 11–801(f), 11–816.1, and 11–1007; and 11–1101 through 11–1105 to be under
30 the new subtitle “Subtitle 11. Victim Services Unit”
31 Annotated Code of Maryland
32 (2008 Replacement Volume and 2017 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article – Criminal Procedure
35 Section 11–801(f), 11–803, 11–804(a), (b)(3), and (d), 11–805(a), 11–814, and
36 11–815(c)
37 Annotated Code of Maryland
38 (2008 Replacement Volume and 2017 Supplement)

39 BY repealing

40 Article – Health – General
41 Section 15–127
42 Annotated Code of Maryland

(2015 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 – Correctional Services

2–201.

The following units are in the Department:

[(10) the Criminal Injuries Compensation Board;]

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

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

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

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

Article – Criminal Procedure

11–801.

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

[(f)] (G) “Victim” means a person:

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

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

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

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

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

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

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

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

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

9 11-803.

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

12 11-804.

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

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

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

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

21 11-805.

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

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

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

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

4 (i) whether a crime or a delinquent act was committed or attempted;
5 and

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

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

11 (5) to direct medical examination of victims;

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

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

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

20 11-814.

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

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

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

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

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

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

1 (ii) the claimant has been awarded the maximum amount
2 authorized under §§ 11–811(b) and 11–812 of this subtitle.

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

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

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

9 11–815.

10 (c) Within 30 days after the final decision of the [Secretary] **EXECUTIVE**
11 **DIRECTOR**, a claimant aggrieved by that decision may appeal the decision under
12 §§ 10–222 and 10–223 of the State Government Article.

13 **11–816.1.**

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

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

22 **11–1007.**

23 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

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

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

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

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

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

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

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

9 **(II) “SEXUAL ABUSE” INCLUDES:**

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

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

16 **(1) THE SERVICES SHALL BE PROVIDED WITHOUT CHARGE TO THE**
17 **INDIVIDUAL; AND**

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

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

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

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

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

29 **(I) A PHYSICIAN;**

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

1 (III) A MENTAL HEALTH PROFESSIONAL; OR

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

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

9 (2) THE IMMUNITY EXTENDS TO:

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

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

14 SUBTITLE 11. VICTIM SERVICES UNIT.

15 11-1101.

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

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

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

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

22 11-1102.

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

25 (B) THE UNIT CONSISTS OF:

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

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

3 **(3) A RESTITUTION SECTION; AND**

4 **(4) ANY OTHER PROGRAM THAT PROVIDES VICTIM SERVICES UNDER**
5 **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 SEXUAL ASSAULT COALITION 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 BEST PRACTICES, USING DATA AND OTHER EVIDENCE**
26 **TO THE EXTENT AVAILABLE, FOR RESTITUTION COLLECTION;**

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

29 **(4) ENSURE THE INTEROPERABILITY OF JUSTICE SYSTEM**
30 **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 IN**
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 TO THE MARYLAND**
22 **STATE'S ATTORNEYS' ASSOCIATION TO EMPHASIZE STATUTORY OBLIGATIONS**
23 **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.**

Article – Health – General

[15–127.

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

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

(3) “Initial assessment” includes:

(i) A psychological evaluation;

(ii) Parental interview; and

(iii) Medical evaluation.

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

(ii) “Sexual abuse” includes:

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

2. Sodomy; and

3. Unnatural or perverted sexual practices.

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

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

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

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

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

- 1 (i) A physician;
- 2 (ii) Qualified hospital health care personnel;
- 3 (iii) A mental health professional; or
- 4 (iv) An interdisciplinary team expert in the field of child abuse.

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

9 (2) The immunity extends to:

- 10 (i) Any hospital with which the physician is affiliated or to which
11 the child is brought; and
- 12 (ii) Any individual working under the control or supervision of the
13 hospital.]

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

15 (a) The responsibility for carrying out the State's Criminal Injuries Compensation
16 Program currently in the Department of Public Safety and Correctional Services and the
17 program for sexual assault forensic examinations currently under the Maryland
18 Department of Health shall be transferred to the Governor's Office of Crime Control and
19 Prevention on ~~January 1, 2019~~ July 1, 2018; however, the office of the Criminal Injuries
20 Compensation Board shall remain at its current location in Baltimore City.

21 (b) (1) All appropriations, including State and federal funds, held by the
22 agencies and units of the State to carry out the functions, programs, and services
23 transferred under this Act shall be transferred to the Governor's Office of Crime Control
24 and Prevention on ~~January 1, 2019~~ July 1, 2018, provided that all payments for the sexual
25 assault forensic examination program under § 11-1007 of the Criminal Procedure Article,
26 as enacted by Section 1 of this Act, shall be dedicated to the sexual assault forensic
27 examination program.

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

30 (3) Federal Victim of Crime Act funds directed to the Criminal Injuries
31 Compensation Board or the sexual assault forensic examination program under §
32 11-1007 of the Criminal Procedure Article, as enacted by Section 1 of this Act, shall be
33 transferred to the Governor's Office of Crime Control and Prevention on ~~January 1, 2019~~
34 July 1, 2018.

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

6 SECTION 3. 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 as a result of this Act shall be transferred without diminution of their rights,
9 benefits, or employment or retirement status. New hires performing the same or similar
10 duties as transferred employees who are classified in the skilled or professional service
11 under the State personnel management system shall also be classified in the skilled or
12 professional service.

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

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

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

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

37 SECTION ~~7~~ 8. AND BE IT FURTHER ENACTED, That any person licensed,
38 registered, permitted, or certified under any department, agency, office, or unit transferred
39 by this Act is considered for all purposes to be licensed, registered, permitted, or certified
40 for the duration of the term for which the license, registration, permit, or certification was

1 issued, and may renew that authorization in accordance with the appropriate renewal
2 provisions provided under this Act. Any person that was originally licensed, registered,
3 permitted, or certified under a provision of law that has been repealed by this Act as
4 obsolete or inconsistent continues to meet the requirements of the license, registration,
5 permit, or certification to the same extent as though that provision had not been repealed.

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

12 SECTION ~~10~~ 10. AND BE IT FURTHER ENACTED, That the Justice Reinvestment
13 Oversight Board shall:

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

16 (2) ensure that data systems developed and used by the Victim Services
17 Unit enhance victim services and are user–friendly for persons responsible for the data
18 systems;

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

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

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

29 (i) the needs of the Victim Services Unit, including personnel
30 requirements;

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.