

HOUSE BILL 675

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By: **Delegate Conaway**

Introduced and read first time: January 31, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victims’ Rights – Notice of Destruction of Sexual Assault**
3 **Evidence**

4 FOR the purpose of repealing a requirement that a certain sexual assault victim submit a
5 written request for a certain law enforcement agency to notify the victim a certain
6 amount of time before the intended destruction or disposal of certain evidence;
7 making a conforming change; and generally relating to sexual assault victims’ rights.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 11–926
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2017 Supplement)

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

15 **Article – Criminal Procedure**

16 11–926.

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

18 (2) “Child advocacy center” has the meaning stated in § 13–2201 of the
19 Health – General Article.

20 (3) “Hospital” has the meaning stated in § 19–301 of the Health – General
21 Article.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (c) An investigating law enforcement agency that receives a sexual assault
6 evidence collection kit, within 30 days after a request by the victim from whom the evidence
7 was collected, shall provide the victim with:

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

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

11 (d) (1) A sexual assault evidence collection kit shall be transferred to a law
12 enforcement agency:

13 (i) by a hospital or a child advocacy center within 30 days after the
14 exam is performed; or

15 (ii) by a government agency in possession of a kit, unless the agency
16 is otherwise required to retain the kit by law or court rule.

17 (2) Except as provided in paragraph (3) of this subsection, within 20 years
18 after the evidence is collected, a law enforcement agency may not destroy or dispose of:

19 (i) a sexual assault evidence collection kit; or

20 (ii) other crime scene evidence relating to a sexual assault that has
21 been identified by the State's Attorney as relevant to prosecution.

22 (3) A law enforcement agency is not required to comply with the
23 requirements in paragraph (2) of this subsection if:

24 (i) the case for which the evidence was collected resulted in a
25 conviction and the sentence has been completed; or

26 (ii) all suspects identified by testing a sexual assault evidence
27 collection kit are deceased.

28 (4) [On written request by the victim from whom the evidence was
29 collected, a] A law enforcement agency with custody of a sexual assault evidence collection
30 kit or other crime scene evidence relating to a sexual assault shall:

1 (i) notify the victim no later than 60 days before the date of intended
2 destruction or disposal of the evidence; or

3 (ii) retain the evidence [for 12 months longer than the time period
4 specified in paragraph (2) of this subsection or] for a time period agreed to by the victim
5 and the law enforcement agency.

6 (e) The Attorney General shall adopt regulations for uniform statewide
7 implementation of this section.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.