

HOUSE BILL 1124

E2, E4

8lr2929

By: **Delegate Hettleman**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

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

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

19 BY repealing and reenacting, without amendments,
20 Article – Criminal Procedure
21 Section ~~11-926(b) and (c)~~ 11-927(a)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2017 Supplement)

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 BY ~~adding to~~ repealing and reenacting, with amendments,

2 Article – Criminal Procedure

3 Section ~~11-928~~ 11-927(e)(1)

4 Annotated Code of Maryland

5 (2008 Replacement Volume and 2017 Supplement)

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

8 **Article – Criminal Procedure**

9 ~~11-926.~~

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

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

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

16 ~~(e) An investigating law enforcement agency that receives a sexual assault~~
17 ~~evidence collection kit, within 30 days after a request by the victim from whom the evidence~~
18 ~~was collected, shall provide the victim with:~~

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

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

22 ~~11-928.~~

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

25 ~~(2) “DEPARTMENT” MEANS THE DEPARTMENT OF STATE POLICE.~~

26 ~~(3) “STATE POLICE CRIME LABORATORY” MEANS THE FORENSIC~~
27 ~~SCIENCES DIVISION OF THE DEPARTMENT.~~

28 ~~(4) “SYSTEM” MEANS THE STATEWIDE SEXUAL ASSAULT EVIDENCE~~
29 ~~COLLECTION KIT TRACKING SYSTEM.~~

30 ~~(B) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND~~
31 ~~SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE, SHALL~~

1 ~~CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT~~
2 ~~TRACKING SYSTEM.~~

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

6 ~~(C) THE SYSTEM SHALL:~~

7 ~~(1) TRACK THE LOCATION AND STATUS OF SEXUAL ASSAULT~~
8 ~~EVIDENCE COLLECTION KITS THROUGHOUT THE CRIMINAL JUSTICE PROCESS,~~
9 ~~INCLUDING THE INITIAL COLLECTION IN EXAMINATIONS PERFORMED AT MEDICAL~~
10 ~~FACILITIES, RECEIPT AND STORAGE AT LAW ENFORCEMENT AGENCIES, RECEIPT~~
11 ~~AND ANALYSIS AT FORENSIC LABORATORIES, AND STORAGE AND ANY DESTRUCTION~~
12 ~~AFTER COMPLETION OF ANALYSIS;~~

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

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

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

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

24 ~~(E) THE DEPARTMENT SHALL SUBMIT A REPORT ON THE STATUS AND PLAN~~
25 ~~FOR LAUNCHING THE SYSTEM TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH~~
26 ~~§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JANUARY 1 OF~~
27 ~~EACH YEAR.~~

28 11-927.

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

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

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

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

5 (iii) payment for sexual assault evidence collection kits;

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

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

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

11 1. criminal prosecutions of sexual assault crimes;

12 2. civil law remedies available to victims of sexual assault;

13 3. sexual assault evidence collection kits; and

14 4. victim rights; AND

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

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

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