

HOUSE BILL 1124

E2, E4

8lr2929

By: **Delegate Hettleman**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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 for funding to the federal government on or
13 before a certain date; defining certain terms; and generally relating to sexual assault
14 evidence.

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Procedure
17 Section 11–926(b) and (c)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2017 Supplement)

20 BY adding to
21 Article – Criminal Procedure
22 Section 11–928
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2017 Supplement)

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

27 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-926.

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

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

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

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

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

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

14 **11-928.**

15 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

17 (2) **“DEPARTMENT” MEANS THE DEPARTMENT OF STATE POLICE.**

18 (3) **“STATE POLICE CRIME LABORATORY” MEANS THE FORENSIC**
19 **SCIENCES DIVISION OF THE DEPARTMENT.**

20 (4) **“SYSTEM” MEANS THE STATEWIDE SEXUAL ASSAULT EVIDENCE**
21 **COLLECTION KIT TRACKING SYSTEM.**

22 (B) (1) **THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND**
23 **SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE, SHALL**
24 **CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT**
25 **TRACKING SYSTEM.**

26 (2) **THE DEPARTMENT MAY CONTRACT WITH STATE, LOCAL, OR**
27 **PRIVATE ENTITIES, INCLUDING SOFTWARE AND TECHNOLOGY PROVIDERS, FOR THE**
28 **CREATION, OPERATION, AND MAINTENANCE OF THE SYSTEM.**

29 (C) **THE SYSTEM SHALL:**

1 **(1) TRACK THE LOCATION AND STATUS OF SEXUAL ASSAULT**
2 **EVIDENCE COLLECTION KITS THROUGHOUT THE CRIMINAL JUSTICE PROCESS,**
3 **INCLUDING THE INITIAL COLLECTION IN EXAMINATIONS PERFORMED AT MEDICAL**
4 **FACILITIES, RECEIPT AND STORAGE AT LAW ENFORCEMENT AGENCIES, RECEIPT**
5 **AND ANALYSIS AT FORENSIC LABORATORIES, AND STORAGE AND ANY DESTRUCTION**
6 **AFTER COMPLETION OF ANALYSIS;**

7 **(2) ALLOW MEDICAL FACILITIES PERFORMING SEXUAL ASSAULT**
8 **FORENSIC EXAMINATIONS, LAW ENFORCEMENT AGENCIES, PROSECUTORS, THE**
9 **STATE POLICE CRIME LABORATORY, AND OTHER ENTITIES THAT HAVE CUSTODY OF**
10 **SEXUAL ASSAULT EVIDENCE COLLECTION KITS TO UPDATE AND TRACK THE STATUS**
11 **AND LOCATION OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS;**

12 **(3) ALLOW VICTIMS OF SEXUAL ASSAULT TO ANONYMOUSLY TRACK**
13 **OR RECEIVE UPDATES REGARDING THE STATUS OF THE VICTIM'S SEXUAL ASSAULT**
14 **EVIDENCE COLLECTION KIT; AND**

15 **(4) ALLOW CONTINUOUS ELECTRONIC ACCESS.**

16 **(D) ANY RECORDS AND INFORMATION CONTAINED IN THE SYSTEM ARE**
17 **EXEMPT FROM PUBLIC INSPECTION AND COPYING.**

18 **(E) THE DEPARTMENT SHALL SUBMIT A REPORT ON THE STATUS AND PLAN**
19 **FOR LAUNCHING THE SYSTEM TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH**
20 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JANUARY 1 OF**
21 **EACH YEAR.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of State
23 Police shall submit a request for funding to the federal government, including the
24 Department of Justice, on or before January 1, 2019.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2019.