

HOUSE BILL 665

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9lr2093
CF SB 811

By: **Delegates Lierman, Dumais, and Rosenberg**

Introduced and read first time: February 6, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Family Law Services for Sustained Safety Fund**

3 FOR the purpose of establishing the Family Law Services for Sustained Safety Fund as a
4 special, nonlapsing fund; specifying the purpose of the Fund; requiring the
5 Governor’s Office of Crime Control and Prevention to administer the Fund; requiring
6 the State Treasurer to hold the Fund and the Comptroller to account for the Fund;
7 requiring the Governor to include certain funding in the State budget; specifying the
8 contents of the Fund; specifying the purpose for which the Fund may be used;
9 specifying the manner in which an award from the Fund shall be made; requiring
10 grantees from the Fund to receive certain training; prohibiting a certain grantee
11 from requesting that a certain individual waive certain rights for a certain purpose;
12 providing for the investment of money in and expenditures from the Fund; requiring
13 interest earnings of the Fund to be credited to the General Fund; prohibiting certain
14 groups from reducing other grant awards based on certain availability of funding
15 from the Fund; providing for the construction of this Act; defining certain terms; and
16 generally relating to the Family Law Services for Sustained Safety Fund.

17 BY adding to
18 Article – Criminal Procedure
19 Section 11–923.1
20 Annotated Code of Maryland
21 (2018 Replacement Volume)

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

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.



Article – Criminal Procedure

11-923.1.

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

(2) “ANCILLARY FAMILY LAW SERVICES” MEANS DIRECT LEGAL SERVICES TO A PARTY IN A DIVORCE OR CUSTODY PROCEEDING THAT IS PART OF THE PROCEEDING OR IS NECESSARY TO PROTECT THE RIGHTS OF THE PARTY OR THE MINOR CHILD OF THE PARTY, INCLUDING CLAIMS UNDER THE FAMILY LAW ARTICLE, CRIMINAL INJURIES COMPENSATION FUND CLAIMS, AND THE ENFORCEMENT OF CRIME VICTIM’S RIGHTS.

(3) “CHILD ABUSE PROGRAM” MEANS AN ESTABLISHED NONPROFIT ORGANIZATION THAT:

(I) PROVIDES DIRECT SERVICES TO VICTIMS OF CHILD ABUSE;
AND

(II) DOES NOT ACT AS AN AGENT OF LAW ENFORCEMENT OR AS AN AGENT OF ANY DEPARTMENT OF SOCIAL SERVICES.

~~(3)~~ (4) “CORE FAMILY LAW SERVICES” MEANS DIRECT LEGAL SERVICES TO A PARTY IN A DIVORCE PROCEEDING FILED UNDER TITLE 7 OR TITLE 9 OF THE FAMILY LAW ARTICLE.

~~(4)~~ (5) “DOMESTIC VIOLENCE PROGRAM” HAS THE MEANING STATED IN § 4-515 OF THE FAMILY LAW ARTICLE.

~~(5)~~ (6) “LEGAL SERVICES PROGRAM” MEANS A NONPROFIT ORGANIZATION FUNDED TO PROVIDE DIRECT LEGAL SERVICES BY THE MARYLAND LEGAL SERVICES CORPORATION.

~~(6)~~ (7) “SEXUAL ASSAULT PROGRAM” MEANS A SEXUAL ASSAULT CRISIS PROGRAM OR COALITION FUNDED UNDER § 11-923 OF THIS SUBTITLE.

~~(7)~~ (8) (I) “VICTIM” HAS THE MEANING STATED IN § 11-104 OF THIS TITLE.

(II) “VICTIM” INCLUDES VICTIMS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND CHILD ABUSE.

1 (B) THERE IS A FAMILY LAW SERVICES FOR SUSTAINED SAFETY FUND.

2 (C) THE PURPOSE OF THE FAMILY LAW SERVICES FOR SUSTAINED SAFETY
3 FUND IS TO INCREASE LEGAL SERVICES IN FAMILY LAW CASES FOR VICTIMS IN
4 ORDER TO HELP ENSURE SAFETY AND LONG-TERM STABILITY AFTER
5 VICTIMIZATION BY CREATING AND SUSTAINING:

6 (1) PROJECTS TO PROVIDE CORE FAMILY LAW SERVICES AND
7 ANCILLARY FAMILY LAW SERVICES TO VICTIMS BY SEXUAL ASSAULT PROGRAMS,
8 DOMESTIC VIOLENCE PROGRAMS, CHILD ABUSE PROGRAMS, AND LEGAL SERVICES
9 PROGRAMS WITH A DEMONSTRATED HISTORY OF PROVIDING DIRECT LEGAL
10 SERVICES ON BEHALF OF VICTIMS; AND

11 (2) COOPERATIVE PROJECTS BETWEEN SEXUAL ASSAULT PROGRAMS
12 ~~OR~~, DOMESTIC VIOLENCE PROGRAMS, OR CHILD ABUSE PROGRAMS AND LEGAL
13 SERVICES PROGRAMS OR MEMBERS OF THE MARYLAND BAR TO PROVIDE CORE
14 FAMILY LAW SERVICES AND ANCILLARY FAMILY LAW SERVICES TO VICTIMS.

15 (D) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
16 SHALL ADMINISTER THE FUND.

17 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
18 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
20 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

21 (F) IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE
22 GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE
23 FAMILY LAW SERVICES FOR SUSTAINED SAFETY FUND IN AN AMOUNT NOT LESS
24 THAN:

25 (1) ~~\$1,000,000~~ \$100,000 FROM GENERAL FUNDS; AND

26 (2) \$3,000,000 FROM THE FEDERAL FUNDS RECEIVED UNDER THE
27 VICTIMS OF CRIME ACT.

28 (G) THE FUND CONSISTS OF:

29 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

30 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
31 THE BENEFIT OF THE FUND.

(H) THE FUND MAY BE USED ONLY FOR:

(1) CORE FAMILY LAW SERVICES AND ANCILLARY FAMILY LAW SERVICES FOR VICTIMS; AND

(2) COSTS RELATED TO PROVIDING CORE FAMILY LAW SERVICES AND ANCILLARY FAMILY LAW SERVICES.

(I) EACH AWARD FROM THE FUND TO A LEGAL SERVICES PROGRAM, DOMESTIC VIOLENCE PROGRAM, ~~OR~~ SEXUAL ASSAULT PROGRAM, OR CHILD ABUSE PROGRAM SHALL:

(1) INCLUDE AT LEAST 75% OF FUNDS FROM THE VICTIM OF CRIME ACT FUNDING AND UP TO 25% OF FUNDS FROM GENERAL FUND FUNDING IF REQUESTED BY THE AWARD RECIPIENT AND NECESSARY TO HELP MEET FEDERAL MATCHING FUND REQUIREMENTS;

(2) BE AWARDED FOR A 3-YEAR PERIOD; AND

(3) BE AWARDED TO ENSURE THAT SERVICES SUPPORTED BY THE FUND ARE AVAILABLE IN EVERY JURISDICTION IN THE STATE.

(J) EACH GRANTEE FROM THE FUND UNDER THIS SECTION ~~SHALL RECEIVE TRAINING REGARDING:~~

(1) SHALL RECEIVE TRAINING REGARDING THE EFFECTS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND CHILD ABUSE; ~~AND~~

(2) SHALL RECEIVE TRAINING REGARDING PROVIDING SERVICES TO VICTIMS WITH DIGNITY, RESPECT, AND SENSITIVITY; AND

(3) MAY NOT REQUEST THAT AN INDIVIDUAL WAIVE ANY RIGHTS PROTECTING CONFIDENTIAL OR PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AS A CONDITION OF RECEIVING SERVICES.

(K) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(L) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

1 (M) (1) MONEY EXPENDED FROM THE FUND FOR GRANTS IS
2 SUPPLEMENTAL TO AND IS NOT INTENDED TO SUPPLANT MONEY THAT A GRANTEE
3 FROM THE FUND RECEIVES FROM OTHER SOURCES.

4 (2) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND
5 PREVENTION, THE MARYLAND LEGAL SERVICES CORPORATION, OR ANY OTHER
6 STATE AGENCY MAY NOT REDUCE OTHER FUNDING OR CHOOSE NOT TO FUND
7 CURRENT OR FUTURE LEGAL SERVICES PROJECTS BASED ON THE AVAILABILITY OF
8 GRANTS UNDER THIS SECTION.

9 (3) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE
10 DISCRETION OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION,
11 THE MARYLAND LEGAL SERVICES CORPORATION, OR ANY OTHER STATE AGENCY
12 TO REDUCE OR MODIFY ANOTHER GRANT AWARD FOR REASONS UNRELATED TO THE
13 RECEIPT OF A FAMILY LAW SERVICES FOR SUSTAINED SAFETY GRANT.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.