SENATE BILL 569

BY adding to
Article – Public Safety
Section 4–401 to be under the new subtitle “Subtitle 4. Rape Kit Testing Grant Fund”
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Section 6–226(a)(2)(ii)112. and 113.
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)114.
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – Public Safety

SUBTITLE 4. RAPE KIT TESTING GRANT FUND.

4–401.

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

(2) “FORENSIC LABORATORY” MEANS A FACILITY, AN ENTITY, OR A
SITE THAT OFFERS OR PERFORMS FORENSIC ANALYSIS AND IS OWNED OR OPERATED
BY THE STATE, A COUNTY OR MUNICIPAL CORPORATION IN THE STATE, OR
ANOTHER GOVERNMENTAL ENTITY.

(3) “FUND” MEANS THE RAPE KIT TESTING GRANT FUND.

(4) “LAW ENFORCEMENT AGENCY” MEANS THE DEPARTMENT OF
STATE POLICE OR A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL
CORPORATION IN THE STATE.

(B) THERE IS A RAPE KIT TESTING GRANT FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE LAW ENFORCEMENT
AGENCIES WITH FUNDING TO PAY FOR TESTING OF SEXUAL ASSAULT EVIDENCE
COLLECTION KITS BY FORENSIC LABORATORIES.

(D) THE DEPARTMENT OF STATE POLICE SHALL:

(1) ADMINISTER THE FUND;

(2) ESTABLISH AND PUBLISH PROCEDURES FOR THE DISTRIBUTION
OF FUNDING TO LAW ENFORCEMENT AGENCIES;
(3) Ensure each jurisdiction in the State that has a forensic laboratory is able to access the Fund;

(4) Consider the number of sexual assault incidents that were investigated by a law enforcement agency in the prior fiscal year when distributing funding; and

(5) Submit a report with information on the distribution of funding to the General Assembly, in accordance with § 2–1246 of the State Government Article, before September 1 each year.

(E) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(F) The Fund consists of:

(1) Money appropriated in the State budget to the Fund;

(2) Any interest earnings of the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(G) The Fund may be used only for the testing of sexual assault evidence collection kits in forensic laboratories.

(H) (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, including interest earnings under subsection (f) of this section, shall be credited to the Fund.

(I) Expenditures from the Fund may be made only in accordance with the State budget.

(J) Money expended from the Fund for testing of sexual assault evidence collection kits is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for testing
OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

114. the Rape Kit Testing Grant Fund.

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