

# SENATE BILL 807

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0lr3210

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By: **Senators Hettleman and Elfreth**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victims of Sexually Assaultive Behavior – Waivers of**  
3 **Rights – Prohibition**

4 FOR the purpose of prohibiting a criminal justice unit from presenting certain victims of  
5 sexually assaultive behavior with certain forms or seeking certain verbal agreements  
6 under certain conditions; prohibiting certain evidence from being introduced in  
7 certain court proceedings; authorizing certain victims affected by a violation of this  
8 Act to bring an action for certain relief; requiring criminal justice units to adopt and  
9 submit policies for enforcing this Act; defining certain terms; providing for the  
10 application of this Act; and generally relating to victims of sexually assaultive  
11 behavior.

12 BY adding to  
13 Article – Criminal Procedure  
14 Section 11–929  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2019 Supplement)

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

19 **Article – Criminal Procedure**

20 **11–929.**

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

23 **(2) “CRIMINAL JUSTICE UNIT” HAS THE MEANING STATED IN §**  
24 **10–201 OF THIS ARTICLE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) “SEXUALLY ASSAULTIVE BEHAVIOR” HAS THE MEANING STATED**  
2 **IN § 10-923 OF THE COURTS ARTICLE.**

3           **(4) “VICTIM” MEANS ANY PERSON SUSPECTED TO HAVE BEEN**  
4 **SUBJECTED TO SEXUALLY ASSAULTIVE BEHAVIOR OR WHO CLAIMS TO HAVE BEEN**  
5 **SUBJECTED TO SEXUALLY ASSAULTIVE BEHAVIOR.**

6           **(B) IN AN INTERACTION WITH A VICTIM, A CRIMINAL JUSTICE UNIT MAY NOT**  
7 **PRESENT TO THE VICTIM A FORM PURPORTING TO:**

8           **(1) RELIEVE THE CRIMINAL JUSTICE UNIT OF AN OBLIGATION TO THE**  
9 **VICTIM;**

10           **(2) PRECLUDE OR DEFINE THE SCOPE OF AN INVESTIGATION BY THE**  
11 **CRIMINAL JUSTICE UNIT INTO AN ACT ALLEGEDLY COMMITTED AGAINST THE**  
12 **VICTIM;**

13           **(3) PREVENT OR LIMIT A PROSECUTION OF AN ACT ALLEGEDLY**  
14 **COMMITTED AGAINST THE VICTIM; OR**

15           **(4) LIMIT A PRIVATE RIGHT OF ACTION OF THE VICTIM PERTAINING**  
16 **TO AN ACT ALLEGEDLY COMMITTED AGAINST THE VICTIM OR THE VICTIM’S**  
17 **INTERACTION WITH THE CRIMINAL JUSTICE UNIT.**

18           **(C) IN AN INTERACTION WITH A VICTIM, A CRIMINAL JUSTICE UNIT MAY NOT**  
19 **SEEK A VERBAL AGREEMENT WITH THE VICTIM THAT WOULD HAVE A PURPORTED**  
20 **EFFECT IDENTIFIED IN SUBSECTION (B) OF THIS SECTION.**

21           **(D) THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION**  
22 **APPLY EVEN IF THE FORM OR VERBAL AGREEMENT IS REQUESTED BY THE VICTIM.**

23           **(E) A FORM OR VERBAL AGREEMENT IDENTIFIED UNDER SUBSECTIONS (B)**  
24 **AND (C) OF THIS SECTION WHICH IS SIGNED OR AGREED TO BY A VICTIM MAY NOT BE**  
25 **ENFORCED OR USED AS EVIDENCE IN A CRIMINAL, CIVIL, OR ADMINISTRATIVE**  
26 **PROCEEDING.**

27           **(F) IF A CRIMINAL JUSTICE UNIT VIOLATES THIS SECTION, AN AFFECTED**  
28 **VICTIM MAY BRING AN ACTION SEEKING INJUNCTIVE OR DECLARATORY RELIEF.**

29           **(G) (1) ON OR BEFORE JANUARY 1, 2021, EACH CRIMINAL JUSTICE UNIT**  
30 **IN THE STATE SHALL ADOPT A POLICY TO ENFORCE THE PROVISIONS OF THIS**  
31 **SECTION.**

1                   **(2) ON OR BEFORE JANUARY 15, 2021, EACH CRIMINAL JUSTICE UNIT**  
2 **SHALL PROVIDE A COPY OF THE POLICY REQUIRED UNDER THIS SUBSECTION TO THE**  
3 **MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
5 apply retroactively and shall be applied to and interpreted to affect any interaction between  
6 a criminal justice unit and an alleged or suspected victim of sexually assaultive behavior  
7 occurring before the effective date of this Act.

8           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2020.