

Chapter 584

(Senate Bill 807)

AN ACT concerning

Criminal Procedure – Victims of Sexually Assaultive Behavior – Waivers of Rights – Prohibition

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

BY adding to

Article – Criminal Procedure
Section 11-929
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Criminal Procedure

11-929.

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

(2) ~~“CRIMINAL JUSTICE UNIT” HAS THE MEANING STATED IN § 10-201 OF THIS ARTICLE~~ LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201(D) OF THE PUBLIC SAFETY ARTICLE.

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

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

(B) IN AN INTERACTION WITH A VICTIM, A ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY MAY NOT PRESENT TO THE VICTIM A FORM PURPORTING TO:

(1) RELIEVE THE ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY OF AN OBLIGATION TO THE VICTIM;

(2) PRECLUDE OR DEFINE THE SCOPE OF AN INVESTIGATION BY THE ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY INTO AN ACT ALLEGEDLY COMMITTED AGAINST THE VICTIM;

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

(4) LIMIT A PRIVATE RIGHT OF ACTION OF THE VICTIM PERTAINING TO AN ACT ALLEGEDLY COMMITTED AGAINST THE VICTIM OR THE VICTIM'S INTERACTION WITH THE ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY.

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

~~**(D)** **(C)** THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION APPLY EVEN IF THE FORM OR VERBAL AGREEMENT IS REQUESTED BY THE VICTIM IF A VICTIM REQUESTS THAT THE SCOPE OF AN INVESTIGATION BE LIMITED OR THAT AN INVESTIGATION BE TEMPORARILY OR PERMANENTLY SUSPENDED, THE LAW ENFORCEMENT AGENCY SHALL:~~

~~**(1)** THOROUGHLY DOCUMENT THE REQUEST; AND~~

~~**(2)** FOLLOW UP WITH THE VICTIM IN ACCORDANCE WITH PRACTICES RECOMMENDED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.~~

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

~~**(F)** **(D)** IF A ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY VIOLATES THIS SECTION, AN AFFECTED VICTIM MAY BRING AN ACTION SEEKING INJUNCTIVE OR DECLARATORY RELIEF.~~

~~(C)~~ **(E)** **(1)** **ON OR BEFORE JANUARY 1, 2021, EACH ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY IN THE STATE SHALL ADOPT A POLICY TO ENFORCE THE PROVISIONS OF THIS SECTION.**

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

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

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.