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By: **Delegates Sophocleus, Barkley, Bobo, Boschert, Cadden, Cane, V. Clagett, Conway, DeBoy, Dumais, Elmore, Gilleland, King, Leopold, Love, McComas, Menes, Parker, Petzold, Rosenberg, Sossi, and F. Turner**

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Local Domestic Violence Fatality Review Teams**

3 FOR the purpose of exempting a certain person acting within the scope of the  
4 jurisdiction of a certain local domestic violence fatality review team from civil  
5 liability under certain circumstances; authorizing the establishment of local  
6 domestic violence fatality review teams; authorizing certain persons to organize  
7 a local team; establishing the membership of a local team; requiring a local team  
8 to elect a chair; establishing the purposes and duties of a local team; authorizing  
9 a local team to investigate certain cases of domestic violence under certain  
10 circumstances; requiring certain persons to provide a local team with certain  
11 information and records; establishing that certain meetings of a local team are  
12 closed to the public under certain circumstances; establishing that certain  
13 meetings of a local team are open to the public under certain circumstances;  
14 prohibiting the disclosure of certain information during a public meeting;  
15 making certain information confidential under certain circumstances;  
16 prohibiting the questioning in any civil or criminal proceeding of certain persons  
17 regarding certain information; authorizing a certain person to testify to certain  
18 information under certain circumstances; providing that certain information  
19 and records of a local team are not subject to subpoena or discovery in certain  
20 court proceedings under certain circumstances; requiring a health care provider  
21 to disclose a medical record to a local team under certain circumstances;  
22 establishing certain criminal penalties; defining certain terms; and generally  
23 relating to local domestic violence fatality review teams.

24 BY repealing and reenacting, without amendments,  
25 Article - Criminal Law  
26 Section 3-201(a) and (c)  
27 Annotated Code of Maryland  
28 (2002 Volume and 2004 Supplement)

29 BY adding to  
30 Article - Courts and Judicial Proceedings

1 Section 5-637.1  
2 Annotated Code of Maryland  
3 (2002 Replacement Volume and 2004 Supplement)

4 BY repealing and reenacting, without amendments,  
5 Article - Family Law  
6 Section 1-101(b), 4-501(b)(1), and 4-515(a), (b), and (d)  
7 Annotated Code of Maryland  
8 (2004 Replacement Volume)

9 BY adding to  
10 Article - Family Law  
11 Section 4-701 through 4-707, inclusive, to be under a new subtitle "Subtitle 7."  
12 Local Domestic Violence Fatality Review Teams"  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume)

15 BY repealing and reenacting, with amendments,  
16 Article - Health - General  
17 Section 4-306(b)(8) and (9)  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume and 2004 Supplement)

20 BY adding to  
21 Article - Health - General  
22 Section 4-306(b)(10)  
23 Annotated Code of Maryland  
24 (2000 Replacement Volume and 2004 Supplement)

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

27 **Article - Criminal Law**

28 3-201.

29 (a) In this subtitle the following words have the meanings indicated.  
30 (c) "Serious physical injury" means physical injury that:  
31 (1) creates a substantial risk of death; or  
32 (2) causes permanent or protracted serious:  
33 (i) disfigurement;

- 1 (ii) loss of the function of any bodily member or organ; or
- 2 (iii) impairment of the function of any bodily member or organ.

**3 Article - Courts and Judicial Proceedings**

4 5-637.1.

5 (A) IN THIS SECTION, "LOCAL DOMESTIC VIOLENCE FATALITY REVIEW TEAM"  
6 IS A TEAM ESTABLISHED IN ACCORDANCE WITH TITLE 4, SUBTITLE 7 OF THE FAMILY  
7 LAW ARTICLE.

8 (B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE  
9 JURISDICTION OF A LOCAL DOMESTIC VIOLENCE FATALITY REVIEW TEAM IS NOT  
10 CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE LOCAL DOMESTIC VIOLENCE  
11 FATALITY REVIEW TEAM OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR  
12 CONTRIBUTING TO THE FUNCTION OF THE LOCAL DOMESTIC VIOLENCE FATALITY  
13 REVIEW TEAM.

**14 Article - Family Law**

15 1-101.

16 (b) "County" means a county of this State and, unless expressly provided  
17 otherwise, Baltimore City.

18 4-501.

19 (b) (1) "Abuse" means any of the following acts:

- 20 (i) an act that causes serious bodily harm;
- 21 (ii) an act that places a person eligible for relief in fear of imminent  
22 serious bodily harm;
- 23 (iii) assault in any degree;
- 24 (iv) rape or sexual offense under §§ 3-303 through 3-308 of the  
25 Criminal Law Article or attempted rape or sexual offense in any degree; or
- 26 (v) false imprisonment.

27 4-515.

28 (a) (1) The Secretary shall establish a program in the Department of  
29 Human Resources to help victims of domestic violence and their children.

30 (2) The purpose of the program is to provide for victims of domestic  
31 violence and their children, in each region of this State:

- 32 (i) temporary shelter or help in obtaining shelter;

- 1 (ii) counseling;
- 2 (iii) information;
- 3 (iv) referral; and
- 4 (v) rehabilitation.

5 (b) As a part of the domestic violence program, there shall be, in a major  
6 population center of this State, at least 1 program serving the area.

7 (d) (1) As funds become available, the Secretary may extend the domestic  
8 violence program to other areas in this State.

9 (2) Expansion of the domestic violence program may include:

10 (i) establishing additional shelters; or

11 (ii) providing funds and technical assistance to a local organization  
12 or agency that shows that it is able and willing to run a domestic violence program.

#### 13 SUBTITLE 7. LOCAL DOMESTIC VIOLENCE FATALITY REVIEW TEAMS.

14 4-701.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (B) "ABUSE" HAS THE MEANING STATED IN § 4-501(B)(1) OF THIS ARTICLE.

18 (C) "DOMESTIC VIOLENCE" MEANS ABUSE OCCURRING BETWEEN:

19 (1) CURRENT OR FORMER SPOUSES OR COHABITANTS;

20 (2) PERSONS WHO HAVE A CHILD IN COMMON; OR

21 (3) PERSONS CURRENTLY OR FORMERLY INVOLVED IN A DATING  
22 RELATIONSHIP.

23 (D) "DOMESTIC VIOLENCE PROGRAM" IS A PROGRAM ESTABLISHED IN  
24 ACCORDANCE WITH § 4-515 OF THIS ARTICLE.

25 (E) "LOCAL TEAM" MEANS THE MULTIDISCIPLINARY AND MULTIAGENCY  
26 DOMESTIC VIOLENCE FATALITY REVIEW TEAM ESTABLISHED FOR A COUNTY IN  
27 ACCORDANCE WITH THIS SUBTITLE.

28 4-702.

29 (A) A COUNTY IS AUTHORIZED TO ESTABLISH A DOMESTIC VIOLENCE  
30 FATALITY REVIEW TEAM.

1 (B) IN A COUNTY, THE STATE'S ATTORNEY, THE HEAD OF THE PRIMARY LAW  
2 ENFORCEMENT AGENCY, OR THE DIRECTOR OF THE DOMESTIC VIOLENCE PROGRAM  
3 MAY ORGANIZE A LOCAL TEAM.

4 4-703.

5 (A) THE MEMBERS OF A LOCAL TEAM SHALL BE DRAWN FROM THE  
6 FOLLOWING PERSONS, ORGANIZATIONS, AGENCIES, AND AREAS OF EXPERTISE,  
7 FROM WITHIN THE COUNTY, AS AVAILABLE:

8 (1) DOMESTIC VIOLENCE SERVICE PROVIDERS;  
9 (2) LAW ENFORCEMENT AGENCIES;  
10 (3) THE STATE'S ATTORNEY'S OFFICE;  
11 (4) THE LOCAL HEALTH DEPARTMENT;  
12 (5) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;  
13 (6) THE DOMESTIC VIOLENCE COORDINATING COUNCIL;  
14 (7) BATTERER INTERVENTION SERVICES PROVIDERS;  
15 (8) THE DEPARTMENT OF PAROLE AND PROBATION;  
16 (9) HOSPITALS;  
17 (10) JUDGES OF THE DISTRICT COURT AND CIRCUIT COURTS;  
18 (11) CLERKS OF THE DISTRICT COURT AND CIRCUIT COURTS;  
19 (12) THE CHIEF MEDICAL EXAMINER'S OFFICE;  
20 (13) SURVIVORS OF DOMESTIC VIOLENCE; AND  
21 (14) ANY OTHER PERSON NECESSARY TO THE WORK OF THE LOCAL  
22 TEAM, RECOMMENDED BY THE LOCAL TEAM.

23 (B) THE MEMBERS DESCRIBED UNDER SUBSECTION (A)(1) THROUGH (12) OF  
24 THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THEIR DEPARTMENTS OR  
25 OFFICES TO REPRESENT THEM ON THE LOCAL TEAM.

26 (C) EACH LOCAL TEAM SHALL ELECT A CHAIR BY MAJORITY VOTE FROM  
27 AMONG ITS MEMBERS.

28 4-704.

29 (A) THE PURPOSE OF A LOCAL TEAM IS TO PREVENT DEATHS RELATED TO  
30 DOMESTIC VIOLENCE BY:

1 (1) PROMOTING COOPERATION AND COORDINATION AMONG AGENCIES  
2 INVOLVED IN:

3 (I) INVESTIGATING DEATHS RELATED TO DOMESTIC VIOLENCE;  
4 OR

5 (II) PROVIDING SERVICES TO VICTIMS OF DOMESTIC VIOLENCE,  
6 ABUSERS, OR SURVIVING FAMILY MEMBERS;

7 (2) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND INCIDENCE  
8 OF DEATHS RELATED TO DOMESTIC VIOLENCE IN THE COUNTY; AND

9 (3) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES WITHIN  
10 THE AGENCIES THE MEMBERS REPRESENT.

11 (B) TO ACHIEVE ITS PURPOSE, A LOCAL TEAM SHALL:

12 (1) ESTABLISH AND IMPLEMENT A PROTOCOL FOR THE LOCAL TEAM;

13 (2) AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, REVIEW  
14 FATALITIES AND CASES OF SERIOUS PHYSICAL INJURY RELATED TO DOMESTIC  
15 VIOLENCE THAT HAVE OCCURRED IN THE COUNTY;

16 (3) MEET ON A REGULAR BASIS AS DETERMINED BY THE LOCAL TEAM,  
17 AT LEAST ANNUALLY, TO:

18 (I) REVIEW THE STATUS OF DOMESTIC VIOLENCE FATALITY CASES  
19 IN THE COUNTY;

20 (II) RECOMMEND ACTIONS TO IMPROVE COORDINATION OF  
21 SERVICES AND INVESTIGATIONS AMONG MEMBER AGENCIES; AND

22 (III) RECOMMEND ACTIONS WITHIN THE MEMBER AGENCIES TO  
23 PREVENT DEATHS RELATED TO DOMESTIC VIOLENCE; AND

24 (4) PROVIDE REPORTS THAT INCLUDE RECOMMENDATIONS:

25 (I) TO IMPROVE COORDINATION OF SERVICES AND  
26 INVESTIGATIONS;

27 (II) TO IMPLEMENT CHANGES RECOMMENDED BY THE LOCAL  
28 TEAM WITHIN MEMBER AGENCIES; AND

29 (III) ON NEEDED CHANGES TO STATE AND LOCAL LAW, POLICY, AND  
30 PRACTICE TO PREVENT DEATHS RELATED TO DOMESTIC VIOLENCE.

31 (C) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, A  
32 LOCAL TEAM SHALL DETERMINE THE NUMBER AND TYPES OF CASES THE TEAM  
33 WILL REVIEW.

4 4-705.

5       ON REQUEST OF THE CHAIR OF A LOCAL TEAM AND AS NECESSARY TO CARRY  
6 OUT THE LOCAL TEAM'S PURPOSE AND DUTIES UNDER THIS SUBTITLE, THE LOCAL  
7 TEAM SHALL BE IMMEDIATELY PROVIDED:

18 4-706.

19 (A) MEETINGS OF A LOCAL TEAM SHALL BE CLOSED TO THE PUBLIC AND NOT  
20 SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE WHEN THE  
21 LOCAL TEAM IS DISCUSSING INDIVIDUAL CASES.

22 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MEETINGS OF  
23 A LOCAL TEAM SHALL BE OPEN TO THE PUBLIC AND SUBJECT TO TITLE 10, SUBTITLE  
24 5 OF THE STATE GOVERNMENT ARTICLE WHEN THE LOCAL TEAM IS NOT DISCUSSING  
25 INDIVIDUAL CASES.

26 (C) (1) INFORMATION IDENTIFYING A DECEASED PERSON, A FAMILY  
27 MEMBER, OR AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE MAY NOT BE  
28 DISCLOSED DURING A PUBLIC MEETING.

29 (2) INFORMATION REGARDING THE INVOLVEMENT OF ANY AGENCY,  
30 ORGANIZATION, OR PERSON WITH A DECEASED PERSON OR THE PERSON'S FAMILY  
31 MAY NOT BE DISCLOSED DURING A PUBLIC MEETING.

32 (D) THIS SECTION DOES NOT PROHIBIT A LOCAL TEAM FROM REQUESTING  
33 THE ATTENDANCE AT A TEAM MEETING OF A PERSON WHO HAS INFORMATION  
34 RELEVANT TO THE EXERCISE OF THE TEAM'S PURPOSE AND DUTIES UNDER THIS  
35 SUBTITLE.

36 (E) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE  
37 BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR  
38 BOTH.

1 4-707.

2 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, ALL  
3 INFORMATION AND RECORDS ACQUIRED BY A LOCAL TEAM IN THE EXERCISE OF ITS  
4 PURPOSE AND DUTIES UNDER THIS SUBTITLE:

5 (1) ARE CONFIDENTIAL;

6 (2) ARE EXEMPT FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6 OF  
7 THE STATE GOVERNMENT ARTICLE; AND

8 (3) MAY ONLY BE DISCLOSED AS NECESSARY TO CARRY OUT THE LOCAL  
9 TEAM'S DUTIES AND PURPOSES.

10 (B) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY  
11 INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY PERSON TO BE  
12 ASCERTAINED ARE PUBLIC RECORDS.

13 (C) REPORTS OF A LOCAL TEAM THAT DO NOT CONTAIN ANY INFORMATION  
14 THAT WOULD PERMIT THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED  
15 ARE PUBLIC INFORMATION.

16 (D) EXCEPT AS NECESSARY TO CARRY OUT A LOCAL TEAM'S PURPOSE AND  
17 DUTIES UNDER THIS SUBTITLE, MEMBERS OF A LOCAL TEAM AND PERSONS  
18 ATTENDING A LOCAL TEAM MEETING MAY NOT DISCLOSE:

19 (1) WHAT TRANSPired AT A MEETING CLOSED TO THE PUBLIC UNDER §  
20 4-706 OF THIS SUBTITLE; OR

21 (2) ANY INFORMATION THE DISCLOSURE OF WHICH IS PROHIBITED BY  
22 THIS SECTION.

23 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
24 MEMBERS OF A LOCAL TEAM, PERSONS ATTENDING A LOCAL TEAM MEETING, AND  
25 PERSONS WHO PRESENT INFORMATION TO A LOCAL TEAM MAY NOT BE QUESTIONED  
26 IN ANY CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN  
27 OR OPINIONS FORMED AS A RESULT OF A MEETING.

28 (2) A PERSON MAY TESTIFY TO INFORMATION OBTAINED  
29 INDEPENDENTLY OF THE LOCAL TEAM OR THAT IS PUBLIC INFORMATION.

30 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
31 INFORMATION, DOCUMENTS, AND RECORDS OF A LOCAL TEAM ARE NOT SUBJECT TO  
32 SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR  
33 CRIMINAL PROCEEDING.

34 (2) INFORMATION, DOCUMENTS, AND RECORDS OTHERWISE AVAILABLE  
35 FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR  
36 INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THEY

1 WERE PRESENTED DURING PROCEEDINGS OF A LOCAL TEAM OR ARE MAINTAINED  
2 BY A LOCAL TEAM.

3 (G) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE  
4 BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR  
5 BOTH.

6 **Article - Health - General**

7 4-306.

8 (b) A health care provider shall disclose a medical record without the  
9 authorization of a person in interest:

10 (8) To the Maryland Insurance Administration when conducting an  
11 investigation or examination pursuant to Title 2, Subtitle 2 of the Insurance Article,  
12 provided that the Insurance Administration has written procedures to maintain the  
13 confidentiality of the records; [or]

14 (9) To a State or local child fatality review team established under Title  
15 5, Subtitle 7 of this article as necessary to carry out its official functions; OR

16 (10) TO A LOCAL DOMESTIC VIOLENCE FATALITY REVIEW TEAM  
17 ESTABLISHED UNDER TITLE 4, SUBTITLE 7 OF THE FAMILY LAW ARTICLE AS  
18 NECESSARY TO CARRY OUT ITS OFFICIAL FUNCTIONS.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 2005.