

SENATE BILL 796

E2, D4

0lr2657
CF 0lr2531

By: **Senators Middleton and Forehand**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Child Advocacy Centers**

3 FOR the purpose of requiring the Department of Human Resources and the Governor's
4 Office of Crime Control and Prevention jointly to establish and sustain child
5 advocacy centers in the State; specifying the organizations and entities in which
6 the centers may be based; specifying certain actions to be taken by the centers;
7 requiring that the State Victims of Crime Fund be used to support the centers;
8 requiring the Governor's Office of Crime Control and Prevention to ensure that
9 a certain amount of money be distributed equally to the centers annually as
10 grants for certain purposes; authorizing the Department of Human Resources
11 to contract with certain organizations to operate the centers; requiring that
12 money for the child advocacy centers be as provided in the State budget and be
13 used to supplement, but not supplant, money that the centers receive from other
14 sources; requiring the Governor's Office of Crime Control and Prevention to
15 provide input into a certain report; altering the subject of a certain report to
16 include the child advocacy centers; and generally relating to child advocacy
17 centers.

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 11–916, 11–919, and 11–923
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 Supplement)

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

25 **Article – Criminal Procedure**

26 11–916.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) There is a State Victims of Crime Fund.

2 (b) (1) The Fund shall be used to pay for [carrying out]:

3 (i) **CARRYING OUT** Article 47 of the Maryland Declaration of
4 Rights;

5 (ii) **CARRYING OUT** the guidelines for the treatment and
6 assistance for victims and witnesses of crimes and delinquent acts provided in §§
7 11–1002 and 11–1003 of this title; [and]

8 (iii) **CARRYING OUT** any laws enacted to benefit victims and
9 witnesses of crimes and delinquent acts; **AND**

10 **(IV) SUPPORTING CHILD ADVOCACY CENTERS ESTABLISHED**
11 **UNDER § 11–923(D) OF THIS SUBTITLE.**

12 (2) The Fund may pay for the administrative costs of the Fund.

13 (c) The Board shall administer the Fund.

14 11–919.

15 (a) There is a grant program.

16 (b) The Governor’s Office of Crime Control and Prevention shall:

17 (1) adopt regulations for the administration and award of grants
18 under Part II of this subtitle; and

19 (2) submit all approved grant applications to the Board.

20 (c) The Board shall:

21 (1) approve each grant application received by the Governor’s Office of
22 Crime Control and Prevention before any money is released from the Fund; [and]

23 (2) ensure that the money obtained from unclaimed restitution under
24 § 17–317(a)(3)(i) of the Commercial Law Article is used for annual grants to provide
25 legal counsel to victims of crimes and delinquent acts to protect the victims’ rights as
26 provided by law; **AND**

27 **(3) ENSURE THAT A TOTAL OF \$500,000 IN ANNUAL GRANTS IS**
28 **EQUALLY DISTRIBUTED TO ALL CHILD ADVOCACY CENTERS ESTABLISHED**
29 **UNDER § 11–923(D) OF THIS SUBTITLE:**

1 **(I) FOR THE DEVELOPMENT AND OPERATION OF CHILD**
2 **ADVOCACY CENTERS; AND**

3 **(II) TO SUPPLEMENT AND NOT SUPPLANT MONEY THAT THE**
4 **CHILD ADVOCACY CENTERS RECEIVE FROM OTHER SOURCES.**

5 11-923.

6 (a) The General Assembly finds that an increasing number of sexual assault
7 offense victims in the State:

8 (1) lack necessary counseling and follow-up services; and

9 (2) in some parts of the State, have only the help of extremely limited
10 support services.

11 (b) The purpose of this section is to provide for sexual assault crisis programs
12 that address the special needs of sexual assault victims.

13 (c) (1) The Department of Human Resources shall help establish sexual
14 assault crisis programs in the State.

15 (2) The programs shall be developed and located to facilitate their use
16 by alleged victims residing in surrounding areas.

17 (3) The programs shall:

18 (i) provide specialized support services to adult and minor
19 alleged victims of sexual assault crimes; and

20 (ii) include a hotline and counseling service.

21 **(D) (1) THE DEPARTMENT OF HUMAN RESOURCES AND THE**
22 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION JOINTLY SHALL**
23 **ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.**

24 **(2) THE CHILD ADVOCACY CENTERS:**

25 **(I) MAY BE BASED IN PRIVATE NONPROFIT**
26 **ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW**
27 **ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;**

28 **(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE**
29 **THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;**

1 **(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES**
2 **AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;**

3 **(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO**
4 **APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR**
5 **VICTIMS; AND**

6 **(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION**
7 **PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW**
8 **ARTICLE.**

9 **[(d)](E)** The Department of Human Resources may contract with public or
10 private nonprofit organizations to operate:

11 **(1) the sexual assault crisis programs; AND**

12 **(2) THE CHILD ADVOCACY CENTERS.**

13 **[(e)] (F)** Money for the sexual assault crisis programs **AND CHILD**
14 **ADVOCACY CENTERS** shall be as provided in the annual State budget and shall be
15 used to supplement, but not supplant, money that the programs **AND CENTERS**
16 receive from other sources.

17 **[(f)] (G)** The Secretary of Human Resources, **WITH INPUT FROM THE**
18 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**, shall include a
19 report on the sexual assault crisis programs **AND CHILD ADVOCACY CENTERS** in the
20 Department of Human Resources annual report to the General Assembly.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2010.