

HOUSE BILL 260

L6

7lr1293
CF SB 780

By: **Delegates Queen, Morales, Anderson, Angel, Clippinger, Conaway, Dumais, Fraser-Hidalgo, Glenn, Hayes, Kaiser, Kelly, Korman, R. Lewis, Lierman, Luedtke, A. Miller, Moon, Platt, Reznik, Robinson, Tarlau, M. Washington, and ~~K. Young~~ K. Young, and Hettleman**

Introduced and read first time: January 23, 2017

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Local Government – Sexual Assault Cases – Local Audits**

3 FOR the purpose of authorizing a county or municipality to conduct a third-party audit of
4 certain sexual assault cases; requiring a county or municipality to arrange a
5 third-party audit of sexual assault cases under certain circumstances, subject to
6 certain guidelines; establishing the requirements for a third-party audit of sexual
7 assault cases; requiring the Office of the Attorney General to establish and maintain
8 certain guidelines for certain third-party audits of sexual assault cases; defining
9 certain terms; and generally relating to audits of sexual assault cases.

10 BY adding to

11 Article – Local Government
12 Section 1-1312
13 Annotated Code of Maryland
14 (2013 Volume and 2016 Supplement)

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

17 **Article – Local Government**

18 **1-1312.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (2) "SEXUAL ASSAULT" MEANS AN OFFENSE UNDER TITLE 3,
4 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE OR § 3-602 OR § 3-604 OF THE
5 CRIMINAL LAW ARTICLE.

6 (3) "SEXUAL ASSAULT SERVICES PROGRAM" MEANS A PROGRAM
7 THAT PROVIDES DIRECT SERVICES TO VICTIMS OF SEXUAL ASSAULT AND HAS BEEN
8 APPROVED BY THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION.

9 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR
10 MUNICIPALITY MAY ARRANGE FOR A THIRD-PARTY AUDIT OF SEXUAL ASSAULT
11 CASES REPORTED TO OR INVESTIGATED BY THE LAW ENFORCEMENT AGENCY OF
12 THE COUNTY OR MUNICIPALITY.

13 (2) ~~WHEN~~ SUBJECT TO GUIDELINES ESTABLISHED BY THE OFFICE OF
14 THE ATTORNEY GENERAL UNDER SUBSECTION (D) OF THIS SECTION, WHEN THE
15 PERCENTAGE OF UNFOUNDED SEXUAL ASSAULT CASES IN A COUNTY OR
16 MUNICIPALITY EXCEEDS THE NATIONAL AVERAGE OF UNFOUNDED SEXUAL ASSAULT
17 CASES BY 5% OR MORE, AS REPORTED BY THE UNIFORM CRIME REPORTS, THE
18 COUNTY OR MUNICIPALITY SHALL ARRANGE FOR A THIRD-PARTY AUDIT OF SEXUAL
19 ASSAULT CASES REPORTED TO OR INVESTIGATED BY THE LAW ENFORCEMENT
20 AGENCY OF THE COUNTY OR MUNICIPALITY.

21 (C) A THIRD-PARTY AUDIT UNDER SUBSECTION (B) OF THIS SECTION:

22 (1) SHALL BE CONDUCTED BY ONE OR MORE SEXUAL ASSAULT
23 SERVICES PROGRAMS WITHOUT THE SUPERVISION OF THE COUNTY OR
24 MUNICIPALITY THAT ARRANGED THE AUDIT;

25 (2) SHALL INCLUDE A REVIEW OF POLICE REPORTS, NOTES, AND ANY
26 OTHER RELEVANT RECORDS REQUESTED BY THE SEXUAL ASSAULT SERVICES
27 PROGRAM CONDUCTING THE AUDIT;

28 (3) MAY NOT DISCLOSE ANY PERSONALLY IDENTIFIABLE
29 INFORMATION OF A VICTIM, WITNESS, OR SUSPECT; AND

30 (4) SHALL INCLUDE A REPORT FOR THE COUNTY OR MUNICIPALITY
31 THAT ARRANGED THE AUDIT WITH SUGGESTIONS FOR IMPROVEMENTS TO THE
32 RESPONSES AND REPORTING OF SEXUAL ASSAULTS.

1 (D) THE OFFICE OF THE ATTORNEY GENERAL SHALL ESTABLISH AND
2 PERIODICALLY UPDATE GUIDELINES FOR:

3 (1) CONDUCTING THIRD-PARTY AUDITS OF SEXUAL ASSAULT CASES;
4 AND

5 (2) THE MAXIMUM FREQUENCY OF THIRD-PARTY AUDITS OF SEXUAL
6 ASSAULT CASES.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.