

SENATE BILL 963

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CF HB 247

By: **Senators Hough, Cassilly, Norman, Peters, and Ready**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 14, 2018

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Victim Services Unit – Victims’ Compensation**

3 FOR the purpose of establishing a Victim Services Unit in the Governor’s Office of Crime
4 Control and Prevention; transferring the Criminal Injuries Compensation Board
5 from the Department of Public Safety and Correctional Services to the Victim
6 Services Unit; transferring the program for sexual assault forensic examinations
7 from the Maryland Department of Health to the Victim Services Unit; transferring
8 certain duties and rights regarding the Criminal Injuries Compensation Board from
9 the Secretary of Public Safety and Correctional Services to the Executive Director of
10 the Governor’s Office of Crime Control and Prevention; requiring the Criminal
11 Injuries Compensation Board to maintain a certain office at a certain location;
12 providing the Executive Director with certain authority over the Criminal Injuries
13 Compensation Board; transferring and altering provisions of law to require the
14 Criminal Injuries Compensation Board to pay certain claims related to forensic
15 examinations for certain sexually related crimes under certain circumstances;
16 providing for the appointment and salary of a Director of the Victim Services Unit;
17 requiring the Director to take certain actions; requiring the Victim Services Unit to
18 perform certain duties; providing that certain employees transferred to the Victim
19 Services Unit under this Act be transferred without diminution of certain rights,
20 benefits, or employment or retirement status; providing for the continuity of certain
21 transactions affected by or flowing from this Act; providing for the continuity of
22 certain laws, rules and regulations, standards and guidelines, policies, orders, and
23 other directives, permits and licenses, applications, forms, plans, memberships,
24 contracts, property, investigations, and administrative and judicial responsibilities;
25 defining certain terms; providing for the transfer of certain services, appropriations,

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 funding, and grants to the Victim Services Unit on a certain date; providing for the
2 transfer of certain property, records, fixtures, appropriations, credits, assets,
3 liabilities, obligations, rights, and privileges to the Victim Services Unit; providing
4 for appropriate transitional provisions relating to the continuity of certain boards
5 and other units; providing for the continuity of certain persons that are licensed,
6 registered, permitted, and certified under certain departments, offices, and units;
7 providing for certain considerations when establishing classifications for new
8 employees; providing for the continuity of certain contracts, agreements, grants, or
9 other obligations; requiring the adoption of certain regulations under certain
10 circumstances; requiring the Justice Reinvestment Oversight Board to report by a
11 certain date on certain issues relating to restitution; requiring the Governor's Office
12 of Crime Control and Prevention to provide a certain report to the Governor and the
13 General Assembly; and generally relating to a Victim Services Unit in the Governor's
14 Office of Crime Control and Prevention.

15 BY repealing

16 Article – Correctional Services
17 Section 2–201(10)
18 Annotated Code of Maryland
19 (2017 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article – Correctional Services
22 Section 2–201(11) through (14)
23 Annotated Code of Maryland
24 (2017 Replacement Volume)

25 BY adding to

26 Article – Criminal Procedure
27 Section 11–801(f), 11–816.1, and 11–1007; and 11–1101 through 11–1105 to be under
28 the new subtitle “Subtitle 11. Victim Services Unit”
29 Annotated Code of Maryland
30 (2008 Replacement Volume and 2017 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article – Criminal Procedure
33 Section 11–801(f), 11–803, 11–804(a), (b)(3), and (d), 11–805(a), 11–814, and
34 11–815(c)
35 Annotated Code of Maryland
36 (2008 Replacement Volume and 2017 Supplement)

37 BY repealing

38 Article – Health – General
39 Section 15–127
40 Annotated Code of Maryland
41 (2015 Replacement Volume and 2017 Supplement)

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

3 **Article – Correctional Services**

4 2–201.

5 The following units are in the Department:

6 [(10) the Criminal Injuries Compensation Board;]

7 [(11)] (10) the Emergency Number Systems Board;

8 [(12)] (11) the Sundry Claims Board;

9 [(13)] (12) the Inmate Grievance Office; and

10 [(14)] (13) any other unit that by law is declared to be part of the
11 Department.

12 **Article – Criminal Procedure**

13 11–801.

14 (F) **“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE**
15 **GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

16 [(f)] (G) “Victim” means a person:

17 (1) who suffers physical injury or death as a result of a crime or delinquent
18 act;

19 (2) who suffers psychological injury as a direct result of:

20 (i) a fourth degree sexual offense or a delinquent act that would be
21 a fourth degree sexual offense if committed by an adult;

22 (ii) a felony or a delinquent act that would be a felony if committed
23 by an adult; or

24 (iii) physical injury or death directly resulting from a crime or
25 delinquent act; or

26 (3) who suffers physical injury or death as a direct result of:

1 (i) trying to prevent a crime or delinquent act or an attempted crime
2 or delinquent act from occurring in the person's presence;

3 (ii) trying to apprehend an offender who had committed a crime or
4 delinquent act in the person's presence or had committed a felony or a delinquent act that
5 would be a felony if committed by an adult; or

6 (iii) helping a law enforcement officer in the performance of the
7 officer's duties or helping a member of a fire department who is being obstructed from
8 performing the member's duties.

9 11-803.

10 The [Secretary] **EXECUTIVE DIRECTOR** may designate a person to carry out the
11 duties of the [Secretary] **EXECUTIVE DIRECTOR**.

12 11-804.

13 (a) There is a Criminal Injuries Compensation Board in the [Department]
14 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**.

15 (b) (3) The [Secretary] **EXECUTIVE DIRECTOR** shall appoint the members of
16 the Board, with the approval of the Governor and the advice and consent of the Senate.

17 (d) (1) With the approval of the Governor, the [Secretary] **EXECUTIVE**
18 **DIRECTOR** shall designate one member of the Board as chairman.

19 (2) The chairman serves at the pleasure of the [Secretary] **EXECUTIVE**
20 **DIRECTOR**.

21 11-805.

22 (a) Subject to the authority of the [Secretary as set forth in Title 2, Subtitle 1 of
23 the Correctional Services Article] **EXECUTIVE DIRECTOR**, the Board has the following
24 powers and duties:

25 (1) to establish and maintain an office and to appoint and prescribe the
26 duties of a claims examiner, a secretary, clerks, and any other employees and agents as
27 may be necessary;

28 (2) to adopt regulations to carry out the provisions and purposes of this
29 subtitle, including procedures for the review and evaluation of claims and regulations for
30 the approval of attorneys' fees for representation before the Board or before the court on
31 judicial review;

1 (3) to request from the State's Attorney, the Department of State Police, or
2 county or municipal police departments any investigation and information that will help
3 the Board to determine:

4 (i) whether a crime or a delinquent act was committed or attempted;
5 and

6 (ii) whether and to what extent the victim or claimant was
7 responsible for the victim's or claimant's own injury;

8 (4) to hear and determine each claim for an award filed with the Board
9 under this subtitle and to reinvestigate or reopen a case as the Board determines to be
10 necessary;

11 (5) to direct medical examination of victims;

12 (6) to hold hearings, administer oaths, examine any person under oath, and
13 issue subpoenas requiring the attendance and testimony of witnesses or requiring the
14 production of documents or other evidence;

15 (7) to take or cause to be taken affidavits or depositions within or outside
16 the State; ~~and~~

17 (8) TO MAINTAIN AN OFFICE IN BALTIMORE CITY, THAT IS
18 ACCESSIBLE BY PUBLIC TRANSPORTATION, FOR THE PURPOSE OF ACCEPTING
19 CLAIMS AND PROVIDING ASSISTANCE ON FILING CLAIMS; AND

20 (9) to submit each year to the Governor, to the [Secretary] EXECUTIVE
21 DIRECTOR, and, subject to § 2-1246 of the State Government Article, to the General
22 Assembly a written report of the activities of the Board.

23 11-814.

24 (a) Within 30 days after the receipt of a claim, the Board shall notify the claimant
25 if additional material is required.

26 (b) (1) Except as provided in paragraph (2) of this subsection, within 90 days
27 after the receipt of a claim and all necessary supporting material, the Board shall:

28 (i) complete the review and evaluation of each claim; and

29 (ii) file with the [Secretary] EXECUTIVE DIRECTOR a written
30 report setting forth the decision and the reasons in support of the decision.

31 (2) For good cause shown, for a period not to exceed 1 year the Board may
32 extend the time to file its report with the [Secretary] EXECUTIVE DIRECTOR after receipt

1 of the claim and all necessary supporting material until the first to occur of the following
2 events:

3 (i) the claimant no longer has expenses related to the crime; or

4 (ii) the claimant has been awarded the maximum amount
5 authorized under §§ 11–811(b) and 11–812 of this subtitle.

6 (c) Within 30 days after the receipt of a written report from the Board, the
7 [Secretary] **EXECUTIVE DIRECTOR** shall modify, affirm, or reverse the decision of the
8 Board.

9 (d) The decision of the [Secretary] **EXECUTIVE DIRECTOR** to affirm, modify, or
10 reverse the decision of the Board is final.

11 (e) The claimant shall be given a copy of the final report on request.

12 11–815.

13 (c) Within 30 days after the final decision of the [Secretary] **EXECUTIVE**
14 **DIRECTOR**, a claimant aggrieved by that decision may appeal the decision under
15 §§ 10–222 and 10–223 of the State Government Article.

16 **11–816.1.**

17 (A) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, ONLY THE**
18 **PROVISIONS OF § 11–1007 OF THIS TITLE AND ANY APPLICABLE REGULATIONS**
19 **ADOPTED TO CARRY OUT THE PROVISIONS OF THAT SECTION APPLY TO**
20 **REIMBURSEMENT FOR FORENSIC EXAMINATIONS AND OTHER ELIGIBLE EXPENSES**
21 **FOR CASES INVOLVING RAPE, SEXUAL OFFENSES, OR CHILD SEXUAL ABUSE.**

22 (B) **AS REQUIRED UNDER § 11–1007 OF THIS TITLE, THE BOARD SHALL PAY**
23 **FOR FORENSIC EXAMINATIONS AND OTHER ELIGIBLE EXPENSES FOR CASES**
24 **INVOLVING RAPE, SEXUAL OFFENSES, OR CHILD SEXUAL ABUSE.**

25 **11–1007.**

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

28 (2) **“CHILD” MEANS ANY INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

29 (3) **“INITIAL ASSESSMENT” INCLUDES:**

30 (I) **A PSYCHOLOGICAL EVALUATION;**

1 (II) A PARENTAL INTERVIEW; AND

2 (III) A MEDICAL EVALUATION.

3 (4) "PHYSICIAN" MEANS AN INDIVIDUAL WHO IS AUTHORIZED UNDER
4 THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE.

5 (5) (I) "SEXUAL ABUSE" MEANS ANY ACT THAT INVOLVES SEXUAL
6 MOLESTATION OR EXPLOITATION OF A CHILD WHETHER OR NOT THE SEXUAL
7 MOLESTATION OR EXPLOITATION OF THE CHILD IS BY A PARENT OR OTHER
8 INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR
9 RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY ANY HOUSEHOLD OR FAMILY
10 MEMBER.

11 (II) "SEXUAL ABUSE" INCLUDES:

12 1. INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE;

13 2. SODOMY; AND

14 3. UNNATURAL OR PERVERTED SEXUAL PRACTICES.

15 (B) IF A PHYSICIAN OR A HOSPITAL PROVIDES A SERVICE DESCRIBED IN
16 SUBSECTION (C) OF THIS SECTION TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL
17 OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL ABUSE:

18 (1) THE SERVICES SHALL BE PROVIDED WITHOUT CHARGE TO THE
19 INDIVIDUAL; AND

20 (2) ~~THE PHYSICIAN OR HOSPITAL IS~~ QUALIFIED HOSPITAL HEALTH
21 CARE PERSONNEL AND THE HOSPITAL ARE ENTITLED TO BE PAID BY THE CRIMINAL
22 INJURIES COMPENSATION BOARD AS PROVIDED UNDER SUBTITLE 8 OF THIS TITLE
23 FOR THE COSTS OF PROVIDING THE SERVICES.

24 (C) THIS SECTION APPLIES TO THE FOLLOWING SERVICES:

25 (1) A PHYSICAL EXAMINATION TO GATHER INFORMATION AND
26 EVIDENCE AS TO AN ALLEGED CRIME;

27 (2) EMERGENCY HOSPITAL TREATMENT AND FOLLOW-UP MEDICAL
28 TESTING FOR UP TO 90 DAYS AFTER THE INITIAL PHYSICAL EXAMINATION; AND

1 **(3) FOR UP TO 5 HOURS OF PROFESSIONAL TIME TO GATHER**
2 **INFORMATION AND EVIDENCE OF THE ALLEGED SEXUAL ABUSE, AN INITIAL**
3 **ASSESSMENT OF A VICTIM OF ALLEGED CHILD SEXUAL ABUSE BY:**

4 **(I) A PHYSICIAN;**

5 **(II) QUALIFIED HOSPITAL HEALTH CARE PERSONNEL;**

6 **(III) A MENTAL HEALTH PROFESSIONAL; OR**

7 **(IV) AN INTERDISCIPLINARY TEAM EXPERT IN THE FIELD OF**
8 **CHILD ABUSE.**

9 **(D) (1) A PHYSICIAN WHO EXAMINES A VICTIM OF ALLEGED CHILD**
10 **SEXUAL ABUSE UNDER THE PROVISIONS OF THIS SECTION IS IMMUNE FROM CIVIL**
11 **LIABILITY THAT MAY RESULT FROM THE FAILURE OF THE PHYSICIAN TO OBTAIN**
12 **CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE**
13 **EXAMINATION OR TREATMENT OF THE CHILD.**

14 **(2) THE IMMUNITY EXTENDS TO:**

15 **(I) ANY HOSPITAL WITH WHICH THE PHYSICIAN IS AFFILIATED**
16 **OR TO WHICH THE CHILD IS BROUGHT; AND**

17 **(II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR**
18 **SUPERVISION OF THE HOSPITAL.**

19 **SUBTITLE 11. VICTIM SERVICES UNIT.**

20 **11-1101.**

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

23 **(B) "DIRECTOR" MEANS THE DIRECTOR OF THE VICTIM SERVICES UNIT.**

24 **(C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE**
25 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.**

26 **(D) "UNIT" MEANS THE VICTIM SERVICES UNIT.**

27 **11-1102.**

28 **(A) THERE IS A VICTIM SERVICES UNIT IN THE GOVERNOR'S OFFICE OF**
29 **CRIME CONTROL AND PREVENTION.**

1 **(B) THE UNIT CONSISTS OF:**

2 **(1) THE CRIMINAL INJURIES COMPENSATION BOARD UNDER**
3 **SUBTITLE 8 OF THIS TITLE;**

4 **(2) THE PROGRAM FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS**
5 **UNDER § 11-1007 OF THIS TITLE;**

6 **(3) A RESTITUTION SECTION; AND**

7 **(4) ANY OTHER PROGRAM THAT PROVIDES VICTIM SERVICES UNDER**
8 **THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION THAT THE**
9 **EXECUTIVE DIRECTOR DETERMINES WOULD BENEFIT FROM INCLUSION UNDER THE**
10 **UNIT.**

11 **11-1103.**

12 **(A) THE HEAD OF THE UNIT IS THE DIRECTOR, WHO SHALL BE APPOINTED**
13 **BY AND SERVES AT THE PLEASURE OF THE EXECUTIVE DIRECTOR.**

14 **(B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE STATE**
15 **BUDGET.**

16 **(C) THE DIRECTOR SHALL REGULARLY CONSULT WITH, COLLABORATE**
17 **WITH, AND CONSIDER THE RECOMMENDATIONS OF THE FEDERALLY RECOGNIZED**
18 **STATE SEXUAL ASSAULT COALITION REGARDING SEXUAL ASSAULT CRISIS**
19 **PROGRAMS AND POLICIES, PRACTICES, AND PROCEDURES THAT IMPACT VICTIMS OF**
20 **SEXUAL ASSAULT, INCLUDING ADMINISTRATION OF THE PROGRAM FOR SEXUAL**
21 **ASSAULT FORENSIC EXAMINATIONS UNDER § 11-1007 OF THIS TITLE.**

22 **11-1104.**

23 **THE UNIT SHALL COORDINATE WITH THE JUDICIARY, THE DEPARTMENT OF**
24 **PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT OF JUVENILE**
25 **SERVICES, THE CENTRAL COLLECTION UNIT, STATE'S ATTORNEY'S OFFICES, AND**
26 **LOCAL CORRECTIONAL FACILITIES TO:**

27 **(1) COLLECT DATA;**

28 **(2) DEVELOP BEST PRACTICES, USING DATA AND OTHER EVIDENCE**
29 **TO THE EXTENT AVAILABLE, FOR RESTITUTION COLLECTION;**

1 **(3) COORDINATE AND IMPROVE EFFORTS OF STATE AND LOCAL**
2 **ENTITIES REGARDING RESTITUTION;**

3 **(4) ENSURE THE INTEROPERABILITY OF JUSTICE SYSTEM**
4 **DATABASES;**

5 **(5) REQUIRE THAT EACH OF THE DATABASES HAS A DATA FIELD TO**
6 **INDICATE THAT THERE ARE OUTSTANDING RESTITUTION ORDERS; AND**

7 **(6) COORDINATE EFFORTS TO IMPROVE RESTITUTION COLLECTION.**

8 **11-1105.**

9 **(A) THE UNIT SHALL:**

10 **(1) MONITOR AND PROVIDE GUIDANCE TO THE SECRETARY ON THE**
11 **ADOPTION OF REGULATIONS ESTABLISHING MINIMUM MANDATORY STANDARDS**
12 **FOR STATE AND LOCAL CORRECTIONAL FACILITIES REGARDING VICTIM**
13 **NOTIFICATION, RESTITUTION, AND ADMINISTRATIVE RECORD KEEPING;**

14 **(2) ENCOURAGE THE USE OF EARNINGS WITHHOLDING ORDERS TO**
15 **COLLECT RESTITUTION;**

16 **(3) COORDINATE WITH THE CENTRAL COLLECTION UNIT TO**
17 **IMPROVE RESTITUTION COLLECTION;**

18 **(4) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION**
19 **TO MODERNIZE AND IMPROVE COLLECTIONS AND COLLABORATE ON**
20 **COMMUNICATING WITH PAROLE AND PROBATION AGENTS ON THEIR ROLE IN**
21 **RESTITUTION COLLECTION;**

22 **(5) COORDINATE WITH THE DIVISION OF PAROLE AND PROBATION**
23 **AND THE CENTRAL COLLECTION UNIT ON WAYS TO EXPEDITE THE REFERRAL OF**
24 **CASES TO THE CENTRAL COLLECTION UNIT;**

25 **(6) DEVELOP PROGRAMS TO BE PRESENTED TO THE MARYLAND**
26 **STATE'S ATTORNEYS' ASSOCIATION TO EMPHASIZE STATUTORY OBLIGATIONS**
27 **REGARDING RESTITUTION;**

28 **(7) PROMOTE NOTIFICATION TO VICTIMS; AND**

29 **(8) EXAMINE THE CURRENT REMEDIES AVAILABLE TO ENFORCE**
30 **RESTITUTION ORDERS TO DETERMINE WHETHER THE REMEDIES ARE BEING**

1 EFFECTIVELY USED AND MAKE RECOMMENDATIONS REGARDING THE NEED FOR
2 ADDITIONAL REMEDIES.

3 (B) EXCEPT AS PROVIDED IN § 11-805(A)(2) OF THIS TITLE AND SUBJECT
4 TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE UNIT MAY ADOPT
5 REGULATIONS TO CARRY OUT THE DUTIES OF THE UNIT.

6 Article – Health – General

7 [15-127.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) “Child” means any individual under the age of 18 years.

10 (3) “Initial assessment” includes:

11 (i) A psychological evaluation;

12 (ii) Parental interview; and

13 (iii) Medical evaluation.

14 (4) (i) For purposes of this section, “sexual abuse” means any act that
15 involves sexual molestation or exploitation of a child whether or not the sexual molestation
16 or exploitation of the child is by a parent or other person who has permanent or temporary
17 care or custody or responsibility for supervision of a child, or by any household or family
18 member.

19 (ii) “Sexual abuse” includes:

20 1. Incest, rape, or sexual offense in any degree;

21 2. Sodomy; and

22 3. Unnatural or perverted sexual practices.

23 (b) If a physician or a hospital provides any of the services described in subsection
24 (c) of this section to a victim of an alleged rape or sexual offense or a victim of alleged child
25 sexual abuse, the services shall be provided without charge to the individual and the
26 physician or hospital is entitled to be paid by the Department for the costs of providing the
27 services.

28 (c) The services to which this section applies are:

1 (1) A physical examination to gather information and evidence as to the
2 alleged crime;

3 (2) Emergency hospital treatment and follow-up medical testing for up to
4 90 days after the initial physical examination in paragraph (1) of this subsection; and

5 (3) For up to 5 hours of professional time to gather information and
6 evidence as to the alleged sexual abuse, an initial assessment of a victim of alleged child
7 sexual abuse by:

8 (i) A physician;

9 (ii) Qualified hospital health care personnel;

10 (iii) A mental health professional; or

11 (iv) An interdisciplinary team expert in the field of child abuse.

12 (d) (1) A physician who examines a victim of alleged child sexual abuse under
13 the provisions of this section is immune from any civil liability that may result from the
14 failure of the physician to obtain consent from the child's parent, guardian, or custodian for
15 the examination or treatment of the child.

16 (2) The immunity extends to:

17 (i) Any hospital with which the physician is affiliated or to which
18 the child is brought; and

19 (ii) Any individual working under the control or supervision of the
20 hospital.]

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (a) The responsibility for carrying out the State's Criminal Injuries Compensation
23 Program currently in the Department of Public Safety and Correctional Services and the
24 program for sexual assault forensic examinations currently under the Maryland
25 Department of Health shall be transferred to the Governor's Office of Crime Control and
26 Prevention on July 1, 2018.

27 (b) (1) All appropriations, including State and federal funds, held by the
28 agencies and units of the State to carry out the functions, programs, and services
29 transferred under this Act shall be transferred to the Governor's Office of Crime Control
30 and Prevention on July 1, 2018, provided that all payments for the sexual assault forensic
31 examination program under § 11-1007 of the Criminal Procedure Article, as enacted by
32 Section 1 of this Act, shall be dedicated to the sexual assault forensic examination program.

1 (2) Funding for the services and programs under the Governor's Office of
2 Crime Control and Prevention shall be as provided in the fiscal year 2020 State budget.

3 (3) Federal Victim of Crime Act funds directed to the Criminal Injuries
4 Compensation Board or the sexual assault forensic examination program under §
5 11-1007 of the Criminal Procedure Article, as enacted by Section 1 of this Act, shall be
6 transferred to the Governor's Office of Crime Control and Prevention on July 1, 2018.

7 (c) On July 1, 2018, all of the functions, powers, duties, books and records
8 (including electronic records), real and personal property, equipment, fixtures, assets,
9 liabilities, obligations, credits, rights, and privileges of the agencies, units, and entities that
10 are transferred under this Act shall be transferred to the Governor's Office of Crime Control
11 and Prevention.

12 SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are
13 transferred to the Victim Services Unit of the Governor's Office of Crime Control and
14 Prevention as a result of this Act shall be transferred without diminution of their rights,
15 benefits, or employment or retirement status. In order to ensure the equitable treatment of
16 new employees, the Governor's Office of Crime Control and Prevention shall consider the
17 current job classifications and rights provided to current employees when establishing
18 classifications for new employees.

19 SECTION 4. AND BE IT FURTHER ENACTED, That, except as expressly provided
20 to the contrary in this Act, any transaction affected by or flowing from any statute added,
21 amended, repealed, or transferred under this Act and validly entered into before the
22 effective date of this Act, and every right, duty, or interest flowing from it remains valid
23 after the effective date of this Act and may be terminated, completed, consummated, or
24 enforced under the law.

25 SECTION 5. AND BE IT FURTHER ENACTED, That, except as otherwise provided
26 by law, all existing laws, regulations, proposed regulations, standards and guidelines,
27 policies, orders and other directives, forms, plans, memberships, contracts, property,
28 investigations, administrative and judicial responsibilities, rights to sue and be sued, and
29 all other duties and responsibilities associated with the functions of the agencies and units
30 that are the subject of this Act prior to the effective date of this Act shall continue under
31 and, as appropriate, are legal and binding on the Victim Services Unit until completed,
32 withdrawn, canceled, modified, or otherwise changed under the law.

33 SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act shall affect
34 the terms of office of a member of any division, board, council, commission, authority, office,
35 unit, or other entity that is transferred by this Act to the Governor's Office of Crime Control
36 and Prevention. An individual who is a member of any such entity on the effective date of
37 this Act shall remain a member for the balance of the term to which the member is
38 appointed, unless the member sooner dies, resigns, or is removed under appropriate
39 provisions of law.

1 SECTION 7. AND BE IT FURTHER ENACTED, That any person licensed,
2 registered, permitted, or certified under any department, agency, office, or unit transferred
3 by this Act is considered for all purposes to be licensed, registered, permitted, or certified
4 for the duration of the term for which the license, registration, permit, or certification was
5 issued, and may renew that authorization in accordance with the appropriate renewal
6 provisions provided under this Act. Any person that was originally licensed, registered,
7 permitted, or certified under a provision of law that has been repealed by this Act as
8 obsolete or inconsistent continues to meet the requirements of the license, registration,
9 permit, or certification to the same extent as though that provision had not been repealed.

10 SECTION 8. AND BE IT FURTHER ENACTED, That the Victim Services Unit,
11 after consultation with the Maryland Department of Health, shall adopt regulations to
12 fulfill the requirements of § 11–1007 of the Criminal Procedure Article, as enacted by
13 Section 1 of this Act, including provisions that will ensure the confidentiality of victims'
14 information. On the date the regulations adopted under this section become effective,
15 COMAR regulations 10.12.02.01 through 10.12.02.05 are repealed.

16 SECTION 9. AND BE IT FURTHER ENACTED, That the Justice Reinvestment
17 Oversight Board shall:

18 (1) monitor the formation of the Victim Services Unit and provide oversight
19 and guidance to the Victim Services Unit;

20 (2) ensure that data systems developed and used by the Victim Services
21 Unit enhance victim services and are user–friendly for persons responsible for the data
22 systems;

23 (3) ensure the Victim Services Unit adopts appropriate outcome measures,
24 reviews outcomes, and recommends any appropriate actions based on the outcomes;

25 (4) assess whether the current system of collecting restitution should
26 remain within the existing State and local entities; and

27 (5) report to the Governor and, in accordance with § 2–1246 of the State
28 Government Article, the General Assembly by December 31, 2019, on any
29 recommendations to improve the process of restitution, including whether the Victim
30 Services Unit can take over restitution collections without impacting its ability to serve
31 victims. In considering whether the Victim Services Unit should assume the duties of
32 collecting restitution, the following matters should be included in the report:

33 (i) the needs of the Victim Services Unit, including personnel
34 requirements;

35 (ii) whether, in order to avoid duplication of effort and resources, the
36 Victim Services Unit should take over the duties of collecting other money in addition to
37 restitution; and

1 (iii) ways to avoid confusion and to streamline the payment system
2 for persons owing restitution as well as other payments.

3 SECTION 10. AND BE IT FURTHER ENACTED, That, on or before December 31,
4 2020, the Governor’s Office of Crime Control and Prevention shall provide a report to the
5 Governor and, in accordance with § 2–1246 of the State Government Article, the General
6 Assembly that provides an update on issues relating to the implementation of this Act,
7 including the office locations of the Victim Services Unit, the number of employees at each
8 location, any budgetary concerns, improvements to the restitution collection process, and
9 any significant changes planned for the Victim Services Unit.

10 SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.