

HOUSE BILL 665

E2

9lr2093
CF SB 811

By: **Delegates Lierman, Dumais, and Rosenberg**

Introduced and read first time: February 6, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Family Law Services for Sustained Safety Fund**

3 FOR the purpose of establishing the Family Law Services for Sustained Safety Fund as a
4 special, nonlapsing fund; specifying the purpose of the Fund; requiring the
5 Governor’s Office of Crime Control and Prevention to administer the Fund; requiring
6 the State Treasurer to hold the Fund and the Comptroller to account for the Fund;
7 requiring the Governor to include certain funding in the State budget; specifying the
8 contents of the Fund; specifying the purpose for which the Fund may be used;
9 specifying the manner in which an award from the Fund shall be made; requiring
10 grantees from the Fund to receive certain training; providing for the investment of
11 money in and expenditures from the Fund; requiring interest earnings of the Fund to
12 be credited to the General Fund; prohibiting certain groups from reducing other grant
13 awards based on certain availability of funding from the Fund; defining certain terms;
14 and generally relating to the Family Law Services for Sustained Safety Fund.

15 BY adding to

16 Article – Criminal Procedure

17 Section 11–923.1

18 Annotated Code of Maryland

19 (2018 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

21 That the Laws of Maryland read as follows:

22 **Article – Criminal Procedure**

23 **11–923.1.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “ANCILLARY FAMILY LAW SERVICES” MEANS DIRECT LEGAL**
2 **SERVICES TO A PARTY IN A DIVORCE OR CUSTODY PROCEEDING THAT IS PART OF**
3 **THE PROCEEDING OR IS NECESSARY TO PROTECT THE RIGHTS OF THE PARTY OR THE**
4 **MINOR CHILD OF THE PARTY, INCLUDING CLAIMS UNDER THE FAMILY LAW**
5 **ARTICLE, CRIMINAL INJURIES COMPENSATION FUND CLAIMS, AND THE**
6 **ENFORCEMENT OF CRIME VICTIM’S RIGHTS.**

7 **(3) “CORE FAMILY LAW SERVICES” MEANS DIRECT LEGAL SERVICES**
8 **TO A PARTY IN A DIVORCE PROCEEDING FILED UNDER TITLE 7 OR TITLE 9 OF THE**
9 **FAMILY LAW ARTICLE.**

10 **(4) “DOMESTIC VIOLENCE PROGRAM” HAS THE MEANING STATED IN**
11 **§ 4-515 OF THE FAMILY LAW ARTICLE.**

12 **(5) “LEGAL SERVICES PROGRAM” MEANS A NONPROFIT**
13 **ORGANIZATION FUNDED TO PROVIDE DIRECT LEGAL SERVICES BY THE MARYLAND**
14 **LEGAL SERVICES CORPORATION.**

15 **(6) “SEXUAL ASSAULT PROGRAM” MEANS A SEXUAL ASSAULT CRISIS**
16 **PROGRAM OR COALITION FUNDED UNDER § 11-923 OF THIS SUBTITLE.**

17 **(7) (I) “VICTIM” HAS THE MEANING STATED IN § 11-104 OF THIS**
18 **TITLE.**

19 **(II) “VICTIM” INCLUDES VICTIMS OF SEXUAL ASSAULT,**
20 **DOMESTIC VIOLENCE, AND CHILD ABUSE.**

21 **(B) THERE IS A FAMILY LAW SERVICES FOR SUSTAINED SAFETY FUND.**

22 **(C) THE PURPOSE OF THE FAMILY LAW SERVICES FOR SUSTAINED SAFETY**
23 **FUND IS TO INCREASE LEGAL SERVICES IN FAMILY LAW CASES FOR VICTIMS IN**
24 **ORDER TO HELP ENSURE SAFETY AND LONG-TERM STABILITY AFTER**
25 **VICTIMIZATION BY CREATING AND SUSTAINING:**

26 **(1) PROJECTS TO PROVIDE CORE FAMILY LAW SERVICES AND**
27 **ANCILLARY FAMILY LAW SERVICES TO VICTIMS BY SEXUAL ASSAULT PROGRAMS,**
28 **DOMESTIC VIOLENCE PROGRAMS, AND LEGAL SERVICES PROGRAMS WITH A**
29 **DEMONSTRATED HISTORY OF PROVIDING DIRECT LEGAL SERVICES ON BEHALF OF**
30 **VICTIMS; AND**

31 **(2) COOPERATIVE PROJECTS BETWEEN SEXUAL ASSAULT PROGRAMS**
32 **OR DOMESTIC VIOLENCE PROGRAMS AND LEGAL SERVICES PROGRAMS OR**

1 MEMBERS OF THE MARYLAND BAR TO PROVIDE CORE FAMILY LAW SERVICES AND
2 ANCILLARY FAMILY LAW SERVICES TO VICTIMS.

3 (D) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
4 SHALL ADMINISTER THE FUND.

5 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
6 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

7 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
8 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

9 (F) IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE
10 GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE
11 FAMILY LAW SERVICES FOR SUSTAINED SAFETY FUND IN AN AMOUNT NOT LESS
12 THAN:

13 (1) \$1,000,000 FROM GENERAL FUNDS; AND

14 (2) \$3,000,000 FROM THE FEDERAL FUNDS RECEIVED UNDER THE
15 VICTIMS OF CRIME ACT.

16 (G) THE FUND CONSISTS OF:

17 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

18 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
19 THE BENEFIT OF THE FUND.

20 (H) THE FUND MAY BE USED ONLY FOR:

21 (1) CORE FAMILY LAW SERVICES AND ANCILLARY FAMILY LAW
22 SERVICES FOR VICTIMS; AND

23 (2) COSTS RELATED TO PROVIDING CORE FAMILY LAW SERVICES AND
24 ANCILLARY FAMILY LAW SERVICES.

25 (I) EACH AWARD FROM THE FUND TO A LEGAL SERVICES PROGRAM,
26 DOMESTIC VIOLENCE PROGRAM, OR SEXUAL ASSAULT PROGRAM SHALL:

27 (1) INCLUDE 75% FROM THE VICTIM OF CRIME ACT FUNDING AND
28 25% FROM GENERAL FUND FUNDING;

1 **(2) BE AWARDED FOR A 3-YEAR PERIOD; AND**

2 **(3) BE AWARDED TO ENSURE THAT SERVICES SUPPORTED BY THE**
3 **FUND ARE AVAILABLE IN EVERY JURISDICTION IN THE STATE.**

4 **(J) EACH GRANTEE FROM THE FUND UNDER THIS SECTION SHALL RECEIVE**
5 **TRAINING REGARDING:**

6 **(1) THE EFFECTS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND**
7 **CHILD ABUSE; AND**

8 **(2) PROVIDING SERVICES TO VICTIMS WITH DIGNITY, RESPECT, AND**
9 **SENSITIVITY.**

10 **(K) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
11 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

12 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
13 **THE GENERAL FUND OF THE STATE.**

14 **(L) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
15 **WITH THE STATE BUDGET.**

16 **(M) (1) MONEY EXPENDED FROM THE FUND FOR GRANTS IS**
17 **SUPPLEMENTAL TO AND IS NOT INTENDED TO SUPPLANT MONEY THAT A GRANTEE**
18 **FROM THE FUND RECEIVES FROM OTHER SOURCES.**

19 **(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
20 **PREVENTION, THE MARYLAND LEGAL SERVICES CORPORATION, OR ANY OTHER**
21 **STATE AGENCY MAY NOT REDUCE OTHER FUNDING OR CHOOSE NOT TO FUND**
22 **CURRENT OR FUTURE LEGAL SERVICES PROJECTS BASED ON THE AVAILABILITY OF**
23 **GRANTS UNDER THIS SECTION.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2019.