

HOUSE BILL 1268

E4

9lr2060
CF SB 569

By: Delegates Hettleman, Barron, Cardin, Charkoudian, Conaway, W. Fisher, Kelly, Korman, Lehman, R. Lewis, Lierman, Lisanti, Luedtke, McIntosh, Moon, Palakovich Carr, Queen, Reznik, Solomon, Sydnor, Terrasa, Valentino-Smith, C. Watson, and Wilkins

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Rape Kit Testing Grant Fund – Established**

3 FOR the purpose of establishing the Rape Kit Testing Grant Fund as a special, nonlapsing
4 fund; specifying the purpose of the Fund; requiring the ~~Department of State Police~~
5 Executive Director of the Governor’s Office of Crime Control and Prevention to
6 administer the Fund; requiring the ~~Department~~ Executive Director to establish and
7 publish procedures for the distribution of funding to law enforcement agencies;
8 requiring the ~~Department~~ Executive Director to consider certain information when
9 distributing funds; requiring the ~~Department~~ Executive Director to report annually
10 to the General Assembly on or before a certain date; requiring the State Treasurer
11 to hold the Fund, and the Comptroller to account for the Fund; specifying the
12 contents of the Fund; specifying the purpose for which the Fund may be used;
13 providing for the investment of money in and expenditures from the Fund; requiring
14 interest earnings of the Fund to be credited to the Fund; exempting the Fund from a
15 certain provision of law requiring interest earnings on State money to accrue to the
16 General Fund of the State; providing that money expended from the Fund is
17 supplemental to certain other funding; defining a certain term; and generally
18 relating to the Rape Kit Testing Grant Fund.

19 BY adding to

20 Article – Public Safety

21 Section 4–401 to be under the new subtitle “Subtitle 4. Rape Kit Testing Grant Fund”

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 Annotated Code of Maryland
2 (2018 Replacement Volume)

3 BY repealing and reenacting, without amendments,
4 Article – State Finance and Procurement
5 Section 6–226(a)(2)(i)
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2018 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 6–226(a)(2)(ii)112. and 113.
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2018 Supplement)

13 BY adding to
14 Article – State Finance and Procurement
15 Section 6–226(a)(2)(ii)114.
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2018 Supplement)

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

20 **Article – Public Safety**

21 **SUBTITLE 4. RAPE KIT TESTING GRANT FUND.**

22 **4–401.**

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

25 **(2) “FORENSIC LABORATORY” MEANS A FACILITY, AN ENTITY, OR A**
26 **SITE THAT OFFERS OR PERFORMS FORENSIC ANALYSIS AND IS OWNED OR OPERATED**
27 **BY THE STATE, A COUNTY OR MUNICIPAL CORPORATION IN THE STATE, OR**
28 **ANOTHER GOVERNMENTAL ENTITY.**

29 **(3) “FUND” MEANS THE RAPE KIT TESTING GRANT FUND.**

30 **(4) “LAW ENFORCEMENT AGENCY” MEANS THE DEPARTMENT OF**
31 **STATE POLICE OR A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL**
32 **CORPORATION IN THE STATE.**

33 **(B) THERE IS A RAPE KIT TESTING GRANT FUND.**

1 (C) THE PURPOSE OF THE FUND IS TO PROVIDE LAW ENFORCEMENT
2 AGENCIES WITH FUNDING TO PAY FOR TESTING OF SEXUAL ASSAULT EVIDENCE
3 COLLECTION KITS BY FORENSIC LABORATORIES.

4 (D) ~~THE DEPARTMENT OF STATE POLICE~~ EXECUTIVE DIRECTOR OF THE
5 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL:

6 (1) ADMINISTER THE FUND;

7 (2) ESTABLISH AND PUBLISH PROCEDURES FOR THE DISTRIBUTION
8 OF FUNDING TO LAW ENFORCEMENT AGENCIES;

9 (3) ENSURE EACH JURISDICTION IN THE STATE THAT HAS A
10 FORENSIC LABORATORY IS ABLE TO ACCESS THE FUND;

11 (4) CONSIDER THE NUMBER OF SEXUAL ASSAULT INCIDENTS THAT
12 WERE INVESTIGATED BY A LAW ENFORCEMENT AGENCY IN THE PRIOR FISCAL YEAR
13 WHEN DISTRIBUTING FUNDING; AND

14 (5) SUBMIT A REPORT WITH INFORMATION ON THE DISTRIBUTION OF
15 FUNDING TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE
16 STATE GOVERNMENT ARTICLE, BEFORE SEPTEMBER 1 EACH YEAR.

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

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

21 (F) THE FUND CONSISTS OF:

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

23 (2) ANY INTEREST EARNINGS OF THE FUND; AND

24 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
25 THE BENEFIT OF THE FUND.

26 (G) THE FUND MAY BE USED ONLY FOR EQUIPMENT, SUPPLIES,
27 PERSONNEL, AND OUTSOURCING NECESSARY FOR THE TESTING OF SEXUAL
28 ASSAULT EVIDENCE COLLECTION KITS IN FORENSIC LABORATORIES.

29 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
30 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 **(2) ANY INTEREST EARNINGS OF THE FUND, INCLUDING INTEREST**
2 **EARNINGS UNDER SUBSECTION (F) OF THIS SECTION, SHALL BE CREDITED TO THE**
3 **FUND.**

4 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
5 **WITH THE STATE BUDGET.**

6 **(J) MONEY EXPENDED FROM THE FUND FOR TESTING OF SEXUAL ASSAULT**
7 **EVIDENCE COLLECTION KITS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE**
8 **THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR TESTING**
9 **OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.**

10 **Article – State Finance and Procurement**

11 6–226.

12 (a) (2) (i) Notwithstanding any other provision of law, and unless
13 inconsistent with a federal law, grant agreement, or other federal requirement or with the
14 terms of a gift or settlement agreement, net interest on all State money allocated by the
15 State Treasurer under this section to special funds or accounts, and otherwise entitled to
16 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
17 Fund of the State.

18 (ii) The provisions of subparagraph (i) of this paragraph do not apply
19 to the following funds:

20 112. the Pretrial Services Program Grant Fund; [and]

21 113. the Veteran Employment and Transition Success Fund;

22 **AND**

23 **114. THE RAPE KIT TESTING GRANT FUND.**

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