

# HOUSE BILL 1268

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CF SB 569

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

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## CHAPTER \_\_\_\_\_

AN ACT concerning

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

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

BY adding to

Article – Public Safety

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

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**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.



Annotated Code of Maryland  
(2018 Replacement Volume)

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

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

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

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

### **Article – Public Safety**

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

#### **4–401.**

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

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

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

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

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

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

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

(1) ADMINISTER THE FUND;

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

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

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

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

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

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

(F) THE FUND CONSISTS OF:

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

(2) ANY INTEREST EARNINGS OF THE FUND; AND

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

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

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

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

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

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

### **Article – State Finance and Procurement**

6–226.

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

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

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

113. the Veteran Employment and Transition Success Fund;

**AND**

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

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