

HOUSE BILL 759

E4

3lr3053
CF SB 615

By: **Delegate Bartlett**

Introduced and read first time: February 8, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Governor's Office of Crime Prevention, Youth, and Victim Services – Sexual**
3 **Assault Evidence Collection Kit Reporting Program**

4 FOR the purpose of requiring the Governor's Office of Crime Prevention, Youth, and Victim
5 Services to establish and administer a certain reporting program relating to sexual
6 assault evidence collection kits; requiring a law enforcement agency and a person
7 with control or possession of a sexual assault evidence collection kit to report certain
8 information to the program and comply with certain regulations; clarifying the uses
9 for the Rape Kit Testing Grant Fund; and generally relating to a sexual assault
10 evidence collection kit reporting program.

11 BY adding to
12 Article – Criminal Procedure
13 Section 11–926.1
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 4–401
19 Annotated Code of Maryland
20 (2022 Replacement Volume)

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

23 **Article – Criminal Procedure**

24 **11–926.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **7. A PERSON AUTHORIZED BY THE GOVERNOR'S OFFICE**
2 **OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES TO RECEIVE THE**
3 **INFORMATION; OR**

4 **8. A PERSON ENTITLED TO RECEIVE THE INFORMATION**
5 **BY FEDERAL OR STATE LAW, SUBPOENA, COURT RULE, OR COURT ORDER.**

6 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING**
7 **OCTOBER 1, 2023, A LAW ENFORCEMENT AGENCY OR ANY PERSON, INCLUDING A**
8 **HEALTH CARE PROVIDER, FORENSIC LABORATORY, OR STATE'S ATTORNEY, THAT**
9 **HAS CONTROL OR POSSESSION OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT**
10 **SHALL:**

11 **(I) REPORT LOCATION, STATUS, AND CHAIN OF CUSTODY**
12 **INFORMATION TO THE REPORTING PROGRAM ESTABLISHED UNDER THIS SECTION**
13 **IN A MANNER REQUIRED BY THE GOVERNOR'S OFFICE OF CRIME PREVENTION,**
14 **YOUTH, AND VICTIM SERVICES; AND**

15 **(II) COMPLY WITH ALL REGULATIONS DEVELOPED BY THE**
16 **GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES**
17 **UNDER THIS SECTION.**

18 **(2) A LAW ENFORCEMENT AGENCY OR A PERSON, INCLUDING A**
19 **HEALTH CARE PROVIDER, FORENSIC LABORATORY, OR STATE'S ATTORNEY, THAT**
20 **HAD CONTROL OR POSSESSION OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT**
21 **BEFORE OCTOBER 1, 2023, AND HAS CONTROL OR POSSESSION OF THE SEXUAL**
22 **ASSAULT EVIDENCE COLLECTION KIT ON OR AFTER OCTOBER 1, 2023, SHALL**
23 **REPORT LOCATION, STATUS, AND CHAIN OF CUSTODY INFORMATION TO THE**
24 **REPORTING PROGRAM ESTABLISHED UNDER THIS SECTION ON OR BEFORE**
25 **DECEMBER 31, 2025.**

26 **(C) (1) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND**
27 **VICTIM SERVICES, IN CONSULTATION WITH THE MARYLAND SEXUAL ASSAULT**
28 **EVIDENCE KIT POLICY AND FUNDING COMMITTEE, SHALL ADOPT ANY**
29 **REGULATIONS NECESSARY TO CARRY OUT THIS SECTION.**

30 **(2) REGULATIONS ADOPTED BY THE GOVERNOR'S OFFICE OF CRIME**
31 **PREVENTION, YOUTH, AND VICTIM SERVICES IN ACCORDANCE WITH THIS SECTION**
32 **SHALL INCLUDE:**

33 **(I) REQUIREMENTS FOR REPORTING THE LOCATION AND**
34 **CHAIN OF CUSTODY OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT TO THE**

1 PROGRAM ESTABLISHED BY THE GOVERNOR'S OFFICE OF CRIME PREVENTION,
2 YOUTH, AND VICTIM SERVICES UNDER THIS SECTION; AND

3 (II) PROCEDURES FOR DISCLOSING INFORMATION ABOUT
4 SEXUAL ASSAULT EVIDENCE COLLECTION KITS INCLUDED IN THE REPORTING
5 PROGRAM, INCLUDING DISCLOSURE TO PARTIES AUTHORIZED TO RECEIVE
6 INFORMATION CONTAINED IN THE REPORTING SYSTEM.

7 Article – Public Safety

8 4–401.

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

10 (2) “Forensic laboratory” means a facility, an entity, or a site that offers or
11 performs forensic analysis and is owned or operated by the State, a county or municipal
12 corporation in the State, or another governmental entity.

13 (3) “Fund” means the Rape Kit Testing Grant Fund.

14 (4) “Law enforcement agency” means the Department of State Police or a
15 police department of a county or municipal corporation in the State.

16 (b) There is a Rape Kit Testing Grant Fund.

17 (c) The purpose of the Fund is to provide law enforcement agencies with funding
18 to pay for testing of sexual assault evidence collection kits by forensic laboratories.

19 (d) The Executive Director of the Governor's Office of Crime Prevention, Youth,
20 and Victim Services shall:

21 (1) administer the Fund;

22 (2) establish and publish procedures for the distribution of funding to law
23 enforcement agencies;

24 (3) ensure each jurisdiction in the State that has a forensic laboratory is
25 able to access the Fund;

26 (4) consider the number of sexual assault incidents that were investigated
27 by a law enforcement agency in the prior fiscal year when distributing funding; and

28 (5) submit a report with information on the distribution of funding to the
29 General Assembly, in accordance with § 2–1257 of the State Government Article, before
30 September 1 each year.

1 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
2 the State Finance and Procurement Article.

3 (2) The State Treasurer shall hold the Fund separately, and the
4 Comptroller shall account for the Fund.

5 (f) The Fund consists of:

6 (1) money appropriated in the State budget to the Fund;

7 (2) any interest earnings of the Fund; and

8 (3) any other money from any other source accepted for the benefit of the
9 Fund.

10 (g) (1) The Fund may be used only for equipment, supplies, personnel, and
11 outsourcing necessary for the testing of sexual assault evidence collection kits in forensic
12 laboratories.

13 (2) **SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE FUND**
14 **MAY BE USED FOR EQUIPMENT, SUPPLIES, PERSONNEL, AND OUTSOURCING**
15 **NECESSARY FOR THE TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS**
16 **COLLECTED BEFORE OR AFTER THE ESTABLISHMENT OF THE FUND.**

17 (h) (1) The State Treasurer shall invest the money of the Fund in the same
18 manner as other State money may be invested.

19 (2) Any interest earnings of the Fund, including interest earnings under
20 subsection (f) of this section, shall be credited to the Fund.

21 (i) Expenditures from the Fund may be made only in accordance with the State
22 budget.

23 (j) Money expended from the Fund for testing of sexual assault evidence
24 collection kits is supplemental to and is not intended to take the place of funding that
25 otherwise would be appropriated for testing of sexual assault evidence collection kits.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2023.