

SENATE BILL 949

E2

3lr3039

By: **Senator Folden**

Introduced and read first time: February 23, 2023

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Board – Victims of Nonfatal Strangulation**

3 FOR the purpose of authorizing the reimbursement of certain physicians, qualified health
4 care providers, and hospitals by the Criminal Injuries Compensation Board for
5 certain forensic examinations of and health care services provided to a victim of
6 nonfatal strangulation without charge; and generally relating to reimbursement for
7 forensic examinations.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Procedure
10 Section 11–801(a) and (b)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 11–816.1, 11–1007, and 11–1102
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2022 Supplement)

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

20 **Article – Criminal Procedure**

21 11–801.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) “Board” means the Criminal Injuries Compensation Board.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-816.1.

2 (a) Notwithstanding any other provision of this title, only the provisions of §
3 11-1007 of this title and any applicable regulations adopted to carry out the provisions of
4 that section apply to reimbursement for forensic examinations and other eligible expenses
5 for cases involving rape, sexual offenses, [or] child sexual abuse, **OR NONFATAL**
6 **STRANGULATION**.

7 (b) As required under § 11-1007 of this title, the Board shall pay for forensic
8 examinations and other eligible expenses for cases involving rape, sexual offenses, [or]
9 child sexual abuse, **OR NONFATAL STRANGULATION**.

10 11-1007.

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

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

13 (3) “Initial assessment” includes:

14 (i) a psychological evaluation;

15 (ii) a parental interview; and

16 (iii) a medical evaluation.

17 (4) “Physician” means an individual who is authorized under the Maryland
18 Medical Practice Act to practice medicine in the State.

19 (5) “Qualified health care provider” means an individual who is licensed by
20 a health occupations board established under the Health Occupations Article.

21 (6) (i) “Sexual abuse” means any act that involves sexual molestation
22 or exploitation of a child whether or not the sexual molestation or exploitation of the child
23 is by a parent or other individual who has permanent or temporary care, custody, or
24 responsibility for supervision of a child, or by any household or family member.

25 (ii) “Sexual abuse” includes:

26 1. incest, rape, or sexual offense in any degree; and

27 2. unnatural or perverted sexual practices.

28 (7) **“STRANGULATION” INCLUDES STRANGULATION THAT IS NOT**
29 **RELATED TO A RAPE, A SEXUAL OFFENSE, OR SEXUAL ABUSE.**

1 (b) If a physician, a qualified health care provider, or a hospital provides a service
2 described in subsection (c) of this section to a victim of an alleged rape or sexual offense
3 [or], a victim of alleged child sexual abuse, **OR A VICTIM OF A NONFATAL**
4 **STRANGULATION:**

5 (1) the services shall be provided without charge to the individual; and

6 (2) the physician, qualified health care provider, or hospital:

7 (i) is entitled to be paid by the Criminal Injuries Compensation
8 Board as provided under Subtitle 8 of this title for the costs of providing the services;

9 (ii) shall provide written or electronic verification signed by a
10 physician or qualified health care provider to the Criminal Injuries Compensation Board
11 that services described in subsection (c) of this section were rendered to a victim of an
12 alleged rape or sexual offense [or], a victim of alleged child sexual abuse, **OR A VICTIM OF**
13 **A NONFATAL STRANGULATION;** and

14 (iii) may not include in any request to obtain payment under this
15 subsection a narrative describing the alleged offense of a victim or a photograph of the
16 victim.

17 (c) This section applies to the following services:

18 (1) a physical and sexual assault forensic examination to gather
19 information and evidence as to an alleged crime when the examination is conducted within
20 15 days of the alleged crime or a longer period as provided by regulation;

21 (2) emergency hospital treatment and follow-up medical testing for up to
22 90 days after the initial physical examination; and

23 (3) for up to 5 hours of professional time to gather information and evidence
24 of the alleged sexual abuse, an initial assessment of a victim of alleged child sexual abuse
25 by:

26 (i) a physician;

27 (ii) qualified hospital health care personnel;

28 (iii) a qualified health care provider;

29 (iv) a mental health professional; or

30 (v) an interdisciplinary team expert in the field of child abuse.

31 (d) (1) A physician or a qualified health care provider who examines a victim
32 of alleged child sexual abuse under the provisions of this section is immune from civil

1 liability that may result from the failure of the physician or qualified health care provider
2 to obtain consent from the child's parent, guardian, or custodian for the examination or
3 treatment of the child.

4 (2) The immunity extends to:

5 (i) any hospital with which the physician or qualified health care
6 provider is affiliated or to which the child is brought; and

7 (ii) any individual working under the control or supervision of the
8 hospital.

9 11–1102.

10 (a) There is a Victim Services Unit in the Governor's Office of Crime Prevention,
11 Youth, and Victim Services.

12 (b) The Unit consists of:

13 (1) the Criminal Injuries Compensation Board under Subtitle 8 of this title;

14 (2) the program for sexual assault **AND NONFATAL STRANGULATION**
15 forensic examinations under § 11–1007 of this title;

16 (3) a restitution section; and

17 (4) any other program that provides victim services under the Governor's
18 Office of Crime Prevention, Youth, and Victim Services that the Executive Director
19 determines would benefit from inclusion under the Unit.

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