

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 949

(Senator Folden)

Judicial Proceedings

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**Criminal Injuries Compensation Board - Victims of Nonfatal Strangulation**

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This bill (1) requires the Criminal Injuries Compensation Board (CICB) to pay for forensic examinations and other eligible expenses for cases involving nonfatal strangulation; (2) establishes that physicians, other qualified health care providers, and hospitals providing specified services to victims of nonfatal strangulation are to provide the services without charge and are entitled to be paid by CICB, as specified; and (3) specifies that the Victim Services Unit in the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) includes the program for sexual assault and *nonfatal strangulation forensic examinations*. The bill specifies that “strangulation” includes strangulation that is not related to rape, a sexual offense, or sexual abuse.

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by at least \$62,500 in FY 2024 for staff; future years reflect annualization and inflation. Special fund expenditures increase, *potentially significantly*, to the extent specified health care providers seek reimbursement from CICB, as discussed below.

**Local Effect:** The bill does not materially affect local finances or operations.

**Small Business Effect:** Minimal.

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## Analysis

### **Current Law:**

#### *Post-sexual Assault Care and Provider Reimbursement – In General*

Under § 11-1007 of the Criminal Procedure Article, if a physician, qualified health care provider, or hospital provides any of the following services to a victim of an alleged rape, sexual offense, or child sexual abuse, the services must be provided without charge and the physician/provider or hospital is entitled to be reimbursed by CICB (within GOCPYVS) for the costs of providing the services: (1) a physical and sexual assault forensic examination to gather information and evidence as to the alleged crime; (2) emergency hospital treatment and follow-up medical testing for up to 90 days after the initial physical examination; and (3) up to five hours of professional time to gather information and evidence, as specified.

The Sexual Assault Reimbursement Unit (SARU) within GOCPYVS oversees the reimbursement for the physical examination, collection of evidence, and emergency treatment of individuals for injuries resulting from alleged rape, sexual assault, or child sexual abuse.

#### *Criminal Injuries Compensation Board – In General*

CICB awards grants to innocent victims of crime who incur financial hardship as a result of crime. Awards may be made for lost wages, medical expenses, counseling, crime scene cleanup, and, for homicide victims, funeral expenses. The board may make an award only if the claimant, as a result of the injury on which the claim is based, has (1) incurred at least \$100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for specified necessary expenses or (2) lost at least \$100 in earnings or support. Compensation awarded may not exceed specified limitations (e.g., up to \$45,000 for medical claims). Funding for these awards is primarily provided through the Criminal Injuries Compensation Fund (CICF) from fees assessed by circuit courts and the District Court. CICB activities are also supplemented by federal funds. The fiscal 2024 budget as introduced includes \$3.3 million in special funds for CICF. Of these funds, grants totaling \$1.9 million are estimated to be awarded by CICB. The fiscal 2024 budget also includes \$3.3 million in federal funds for CICB grants.

**State Expenditures:** GOCPYVS advises that SARU requires additional staff to meet the bill's requirements and cannot absorb additional duties with existing resources; the Department of Legislative Services (DLS) concurs. Therefore, State expenditures (assumed by GOCPYVS to be general funds) increase by at least \$62,460 in fiscal 2024, which accounts for the bill's October 1, 2023 effective date. This estimate reflects the cost

of hiring one fiscal specialist to coordinate the reimbursements for the examination of victims of nonfatal strangulation. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$55,051
Operating Expenses	<u>7,409</u>
<b>FY 2024 State Expenditures for Staff</b>	<b>\$62,460</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Although GOCPYVS anticipates the need for four additional positions (two nurse auditors and a victim coordinator in addition to the fiscal specialist above), without experience under the bill, DLS is unable to verify the precise need for staffing of that magnitude at this time. However, to the extent that additional staff is required, GOCPYVS may request additional resources through the annual budget process.

Special fund expenditures for GOCPYVS increase, *potentially significantly*, to the extent specified health care providers seek reimbursement from CICB for the examination (and related medical services) of victims of nonfatal strangulation. Reliable data on the number of reimbursements likely under the bill is unavailable at this time. However, GOCPYVS advises that it costs approximately \$1,200 per use of “cortex flow” (a forensic tool used during examination to aid in the detection and documentation of strangulation). *For illustrative purposes only and based solely on these costs as provided by GOCPYVS*, for every 300 victims of nonfatal strangulation who seek and receive medical intervention each year (and assuming a corresponding increase in specified health care providers who subsequently seek reimbursement for the examination), special fund expenditures increase by \$360,000 annually. Although this analysis accounts only for the increased use of special funds under CICB, to the extent that significant costs are incurred under the bill, general fund support may be required in order to meet the bill’s requirements without displacing special fund expenditures for other types of CICB-reimbursements (*e.g.*, awards made directly to victims of crime).

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Governor's Office of Crime Prevention, Youth, and Victim Services; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 20, 2023  
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