

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 398

(Senator Folden, *et al.*)

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 (now known as the Governor’s Office of Crime Prevention and Policy (GOCPP)) 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 \$67,300 in FY 2025 for staff; future years reflect annualization and inflation. General fund expenditures further increase, potentially significantly (likely in excess of \$500,000 on an annual basis), to the extent specified health care providers seek reimbursement, 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 GOCPP) 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 GOCPP 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. The fiscal 2025 budget includes \$1.3 million in general funds for SARU.

#### *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 2025 budget as introduced authorizes CICB expenditures of \$1.9 million in special funds and \$3.3 million in federal funds.

**State Expenditures:** GOCPP 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, general fund expenditures increase by at least \$67,333 in fiscal 2025, which accounts for the bill's October 1, 2024 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	1.0
Salary and Fringe Benefits	\$60,077
Operating Expenses	<u>7,256</u>
<b>FY 2025 State Expenditures for Staff</b>	<b>\$67,333</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Although GOCPP anticipates the need for four additional positions (two nurse auditors and a claims administrator 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, GOCPP may request additional resources through the annual budget process.

As noted above, GOCPP advises that, in practice, reimbursements for forensic examinations are handled through SARU, which is supported with dedicated general funds. Accordingly, general fund expenditures further increase, *potentially significantly*, to the extent specified health care providers seek reimbursement for the examination (and related medical services) of victims of nonfatal strangulation. Reliable data on the number of reimbursements likely under the bill (and the related cost per reimbursement) is unavailable at this time. However, in 2021, Washington passed legislation that authorized the state's victim compensation program to pay for forensic exams for survivors of domestic violence nonfatal strangulation assaults in the same manner as sexual assault forensic examinations. During fiscal 2022, the program received 200 claims related to nonfatal strangulation assaults totaling approximately \$2.0 million. The Washington program, however, only covers the cost of initial exams and approximately \$500,000 was paid.

GOCPP further advises that reimbursements for forensic examinations through SARU are not eligible for federal matching funds in the same way that payments for other forms of victim compensation through CICF are; accordingly, there is no material impact anticipated on federal fund revenues or expenditures.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 949 of 2023.

**Designated Cross File:** HB 482 (Delegate Simpson, *et al.*) - Judiciary.

**Information Source(s):** Governor's Office of Crime Prevention and Policy; Department of Legislative Services

**Fiscal Note History:** First Reader - January 30, 2024  
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