

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 201

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Office of Crime Prevention and Policy)

Judicial Proceedings

Criminal Justice and Public Safety Reporting Requirements - Alterations

This departmental bill alters the dates by which reports are due from the Governor’s Office of Crime Prevention and Policy (GOCPP) relating to the Body Armor Grant Program, the Rape Kit Testing Program, the Protecting Against Hate Crimes Grant Program, and Child Advocacy Centers. In addition, the bill alters reporting requirements relating to deaths involving a law enforcement officer, juveniles charged as adults, and forensic genetic genealogical DNA analysis and searches (FGGS).

Fiscal Summary

State Effect: The bill’s changes can be handled with existing budgeted resources. While there may be some administrative efficiencies, State finances are not materially affected.

Local Effect: Local government finances are not anticipated to be materially affected.

Small Business Effect: GOCPP has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary/Current Law:

Deaths Involving a Law Enforcement Officer: The bill repeals the requirement for information relating to “officer-involved deaths” to be included in the annual report on Deaths Involving a Law Enforcement Officer submitted by GOCPP to the

General Assembly. Pursuant to current law, each local law enforcement agency, by March 1 each year, must provide to GOCPP information for the previous calendar year about each “officer-involved death” and “death in the line of duty” that involved a law enforcement officer employed by the agency. GOCPP must develop specified procedures, analyze and disseminate the information it receives from local law enforcement agencies, and submit an annual report on the incidence of officer-involved deaths and deaths in the line of duty in Maryland to the General Assembly by June 30 of each year.

An “officer-involved death” means the death of an individual resulting directly from an act or omission of a law enforcement officer while the officer is on duty or while the officer is off duty but performing activities that are within the scope of the officer’s official duties.

The term “death in the line of duty” means the death of a law enforcement officer occurring while the officer is acting in the officer’s official capacity while on duty or while the officer is off duty but performing activities that are within the scope of the officer’s official duties.

Chapter 132 of 2021 established an independent investigative unit within the Office of the Attorney General to investigate all alleged or potential police-involved deaths of civilians. Each year, on December 1, the unit must report to the Legislative Policy Committee on the number of cases referred to the unit, the number of cases prosecuted by the unit, the number of cases that the unit declined to prosecute, the number of cases that the State’s Attorney elected to prosecute, and the outcome for cases prosecuted by the unit.

Protective Body Armor Fund: The bill alters the date, from September 1 each year to October 1 each year, by which the Executive Director of GOCPP must report specified information relating to the Protective Body Armor Fund. The Protective Body Armor Fund is a special fund administered by GOCPP to assist local law enforcement agencies to (1) acquire protective body armor for each police officer of the local law enforcement agency and (2) replace protective body armor at least every 10 years, or sooner if testing indicates a need for replacement. Pursuant to current law, by September 1 of each year, the Executive Director of GOCPP must report to the Governor and the General Assembly on (1) the distribution of money from the Protective Body Armor Fund and (2) the ratio of protective body armor to police officers in each local jurisdiction of the State that applied for money from the fund.

Rape Kit Testing Grant Fund: The bill alters the date, from September 1 each year to October 1 each year, by which the report relating to the Rape Kit Testing Grant Fund must be submitted. Chapters 508 and 509 of 2019 established the Rape Kit Testing Grant Fund, a special fund, to provide law enforcement agencies with funding to pay for testing of sexual assault evidence collections kits by forensic laboratories. Pursuant to current law, the Executive Director of GOCPP is required to (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 by September 1 each year.

Protecting Against Hate Crimes Grant Fund: The bill alters the date, from before September 1 each year to before October 1 each year, by which the Executive Director of GOCPP must report to the General Assembly on the distribution of funding from the Protecting Against Hate Crimes Grant Fund. The Protecting Against Hate Crimes Grant Fund is a special fund, administered by the Executive Director of GOCPP, for the purpose of making grants to nonprofit organizations, including faith-based organizations, to provide security enhancements to protect against hate crimes. Pursuant to current law, the Executive Director of GOCPP must: (1) administer the fund; (2) establish and publish procedures for the distribution of grants to nonprofit organizations, including faith-based organizations; (3) set aside a minimum of \$1.0 million each year for grants to faith-based organizations to increase security measures against faith-based hate crimes, with priority given to applicants that can demonstrate a high prevalence of hate crimes against members of and institutions representing the applicant's faith; and (4) submit to the General Assembly a report on the distribution of funding before September 1 each year.

Juveniles Charged as Adults: Under current law, except in accordance with applicable federal law and regulations, a criminal justice unit and the Criminal Justice Information System Central Repository may not disseminate criminal history record information. The Central Repository is required to monthly disseminate information concerning a child charged as an adult to the Maryland Justice Analysis Center (MJAC) of the Institute of Criminal Justice and Criminology of the University of Maryland. In addition to any reportable event, as defined under § 10-215 of the Criminal Procedure Article, the Central Repository must include in its dissemination of information to MJAC the age, race, and gender of the child. The Central Repository may disseminate to MJAC unique identifiers relating to a child, including name, fingerprint identification numbers, and record or file numbers. The information disseminated to MJAC must be used only for research, evaluation, and statistical analysis purposes. By June 30 and December 31 each year, MJAC must report to the Governor and the General Assembly on the results of its research, evaluation, and analysis.

The bill changes the above provisions by altering the entity to which the Central Repository disseminates the information, from MJAC to the Maryland Statistical Analysis Center in GOCPP. In addition, the bill repeals the requirement for MJAC to report to the Governor and the General Assembly on the results of its research, evaluation, and analysis on information concerning juveniles charged as adults.

Child Advocacy Centers: The bill alters the date, from June 1 to October 1, by which an annual report on child advocacy centers must be submitted by GOCPP to the General Assembly. Pursuant to current law, GOCPP is required to establish and sustain child advocacy centers in the State; however, GOCPP may contract with public or private nonprofit organizations to operate child advocacy centers. The centers (1) may be based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of these entities; (2) must be developed and located to facilitate their use by alleged victims residing in the surrounding area; (3) must investigate allegations of sexual crimes against children and sexual abuse of minors; (4) must provide or facilitate referrals to appropriate counseling, legal, medical, and advocacy services for victims; and (5) must be included in all joint investigation procedures, as specified. Under current law, GOCPP must submit an annual report on child advocacy centers to the General Assembly by June 1 each year.

Forensic Genetic Genealogical DNA Analysis and Search: Pursuant to current law, “forensic genetic genealogical DNA analysis and search” or “FGGS” means the forensic genetic genealogical DNA analysis of biological material using single-nucleotide polymorphisms or other sequencing techniques to develop an “FGG profile”; a subsequent search using the FGG profile in a publicly available open-data personal genomics database or a direct-to-consumer genetic genealogy service to find individuals related to the source of the FGG profile; and a genealogical search using public records and other lawful means to obtain information in accordance with State law. Under current law, by June 1 annually, GOCPP must submit a publicly available report to the Governor and the General Assembly, that must include, for the preceding calendar year:

- the number of requests for FGGS made, broken down by number of requests made by prosecutors, pretrial defendants, and postconviction defendants;
- the number of times FGGS was granted and the basis of each grant or denial;
- the number of putative perpetrators identified through FGGS;
- the number of covert collections of reference samples from putative perpetrators, a description of the methods used during the covert collection, the time period needed to perform the covert collection, any complaints from individuals subject to surveillance during the covert collections, and any complaints or suggestions from judges supervising the covert collections;
- an evaluation of the “pursued reasonable investigative leads” requirement in accordance with § 17-102(b)(4) of this the Criminal Procedure Article, including scientific, public, and nonforensic;
- the costs of the FGGS procedures;
- the race and age of those identified as putative perpetrators;
- the number of times a third-party reference sample was requested and collected, and the race and age of the third parties;

- the number of requests made by defendants and postconviction lawyers; and
- the outcome of each authorized search, including whether the search resulted in an arrest or a conviction for the target offense.

Also under current law, a panel comprising judges, prosecutors, defense attorneys, public defenders, law enforcement officials, crime laboratory directors, bioethicists, racial justice experts, criminal justice researchers, civil and privacy rights organizations, and organizations representing families impacted by the criminal justice system, must be convened to review the annual report each year and make policy recommendations.

The bill alters the frequency of and date by which GOCPP must submit the report on FGGS to the Governor and the General Assembly. Instead of the requirement that an annual report be submitted by June 1 each year, under the bill, a biennial report is due by December 31 of every even-numbered year. In addition, instead of the annual requirement to convene a panel of stakeholders to review the FGGS report and make policy recommendations, the bill specifies that such a panel is to be convened at the discretion of GOCPP or at the request of the Governor or the General Assembly to review the FGGS data and make policy recommendations to be included in the following year's FGGS report.

Background: GOCPP is responsible for publishing numerous reports each year. Many of the reports describe grantmaking activities and grantee performance. In order for GOCPP to complete the reports, grantees are required to submit information to GOCPP by July 15 each year, which is 15 days after the end of the fourth quarter of the State fiscal year; however, because many grantees do not submit the information in a timely manner, GOCPP is often unable to extract the necessary information for legislative reports until August 15 each year. This leaves GOCPP little time to synthesize fourth-quarter data for reports with September 1 deadlines. Other reports published by GOCPP describe criminal justice processes and outcomes. Several of these reports partially or totally duplicate information required for reports handled by other State entities. In addition, some of the reports capture data that does not change significantly from year to year. GOCPP advises that the office is working to make its research and reporting more accessible and useful to its partners and the public. According to GOCPP, this bill is intended to support the office in achieving this goal and make better use of its limited resources.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore, Dorchester, Garrett, and Howard counties; Maryland Association of Counties; City of Laurel; Town of LaPlata; Governor's Office of Crime Prevention and Policy; Department of Legislative Services

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js/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Justice and Public Safety Reporting Requirements - Alterations

BILL NUMBER: SB 201

PREPARED BY: Bethany Young

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 x WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

NA