

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 136

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

Judiciary

Judicial Proceedings

Criminal Procedure - Sexual Assault Exam and Treatment Reimbursement

This departmental bill clarifies that specified health care entities that provide services to victims of sexual assault are entitled to be paid by the Governor's Office of Crime Prevention and Policy (GOCPP), rather than the Criminal Injuries Compensation Board (CICB). The bill also makes conforming changes. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances. GOCPP advises that the bill clarifies existing practice, as discussed below.

Local Effect: None.

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

Current Law/Background:

Services for Victims of Alleged Rape, Sexual Offense, or Child Abuse

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, a board within GOCPP, for the costs of providing the services: (1) a physical and sexual assault forensic examination to gather information and evidence as to an alleged crime, as specified; (2) emergency hospital treatment and follow-up medical testing for up to 90 days after the initial physical examination; (3) up to five hours of professional time to gather information and evidence, as specified; and (4) a sexual assault forensic exam conducted through peer-to-peer telehealth.

A physician or a qualified health care provider who examines a victim of alleged child sexual abuse is immune from civil liability that may result from the failure of the physician or qualified health care provider to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child. This immunity extends to any hospital with which the physician or qualified health care provider is affiliated or to which the child is brought, and any individual working under the control or supervision of the hospital.

Program for Preventing HIV Infection for Rape Victims

The Program for Preventing HIV Infection for Rape Victims works to prevent human immunodeficiency virus (HIV) infection for victims of an alleged rape or sexual offense or victims of alleged child sexual abuse. Administered by GOCPP, a qualifying victim must be provided with a full course of treatment and follow-up care for (nonoccupational) postexposure prophylaxis (nPEP) for the prevention of HIV, at the victim's request, and as prescribed by a health care provider.

A victim who receives treatment under the program may decline to provide health insurance information or submit personal information to a payment assistance program if the victim believes that providing the information would interfere with personal privacy or safety. The physician, health care provider, or hospital providing the victim with treatment and follow-up care must inform the victim of the victim's right to decline to provide this information. If a victim declines to provide this information, the treatment and follow-up care must be provided free of charge. The physician, qualified health care provider, or hospital is entitled to be paid by CICB.

A physician or a health care provider who examines a victim of alleged child sexual abuse is immune from civil liability that may arise from the failure to obtain consent from a child's parent, guardian, or custodian for the examination or treatment of the child. This immunity extends to any hospital where the provider is affiliated, or the child is brought, and any individual working under the control or supervision of the hospital.

Criminal Injuries Compensation Board – In General

CICB awards grants to innocent victims of crime who incur financial hardship as a result of crime. Those eligible for awards include (1) a victim; (2) a dependent of a victim who died as a result of a crime or delinquent act, trying to prevent a crime or specified acts, or helping a law enforcement officer perform the officer's duties or specified emergency services personnel who is obstructed in their duties; (3) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a result of specified acts; and (4) family members of a victim, as specified. 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, and funding for these awards is provided by the Criminal Injuries Compensation Fund, which receives funding from fees assessed by circuit and District courts. The fund is also supplemented by federal funds.

GOCPP advises that while statute specifies that CICB must reimburse physicians, qualified health care providers, and hospitals for administering sexual assault forensic exams and providing treatment to victims, in practice, the Sexual Assault Reimbursement Unit (another unit within GOCPP) processes the reimbursements and GOCPP provides payment. Accordingly, GOCPP advises that the bill is intended to clarify existing practice and to reduce confusion among those seeking reimbursement from the office.

Additional Information

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

Designated Cross File: SB 199 (Chair, Judicial Proceedings Committee)(By Request - Departmental - Office of Crime Prevention and Policy) - Judicial Proceedings.

Information Source(s): Governor's Office of Crime Prevention and Policy; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 10, 2025
js/lgc Third Reader - February 28, 2025

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Procedure - Sexual Assault Exam and Treatment Reimbursement

BILL NUMBER: HB 136

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