

# HOUSE BILL 260

L6

7lr1293

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By: **Delegates Queen, Morales, Anderson, Angel, Clippinger, Conaway, Dumais, Fraser-Hidalgo, Glenn, Hayes, Kaiser, Kelly, Korman, Lewis, Lierman, Luedtke, A. Miller, Moon, Platt, Reznik, Robinson, Tarlau, M. Washington, and K. Young**

Introduced and read first time: January 23, 2017

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Sexual Assault Cases – Local Audits**

3 FOR the purpose of authorizing a county or municipality to conduct a third-party audit of  
4 certain sexual assault cases; requiring a county or municipality to arrange a  
5 third-party audit of sexual assault cases under certain circumstances; establishing  
6 the requirements for a third-party audit of sexual assault cases; requiring the Office  
7 of the Attorney General to establish and maintain guidelines for certain third-party  
8 audits of sexual assault cases; defining certain terms; and generally relating to  
9 audits of sexual assault cases.

10 BY adding to

11 Article – Local Government  
12 Section 1–1312  
13 Annotated Code of Maryland  
14 (2013 Volume and 2016 Supplement)

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

17 **Article – Local Government**

18 **1–1312.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
20 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) "SEXUAL ASSAULT" MEANS AN OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE OR § 3-602 OR § 3-604 OF THE CRIMINAL LAW ARTICLE.

(3) "SEXUAL ASSAULT SERVICES PROGRAM" MEANS A PROGRAM THAT PROVIDES DIRECT SERVICES TO VICTIMS OF SEXUAL ASSAULT AND HAS BEEN APPROVED BY THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR MUNICIPALITY MAY ARRANGE FOR A THIRD-PARTY AUDIT OF SEXUAL ASSAULT CASES REPORTED TO OR INVESTIGATED BY THE LAW ENFORCEMENT AGENCY OF THE COUNTY OR MUNICIPALITY.

(2) WHEN THE PERCENTAGE OF UNFOUNDED SEXUAL ASSAULT CASES IN A COUNTY OR MUNICIPALITY EXCEEDS THE NATIONAL AVERAGE OF UNFOUNDED SEXUAL ASSAULT CASES BY 5% OR MORE, AS REPORTED BY THE UNIFORM CRIME REPORTS, THE COUNTY OR MUNICIPALITY SHALL ARRANGE FOR A THIRD-PARTY AUDIT OF SEXUAL ASSAULT CASES REPORTED TO OR INVESTIGATED BY THE LAW ENFORCEMENT AGENCY OF THE COUNTY OR MUNICIPALITY.

(C) A THIRD-PARTY AUDIT UNDER SUBSECTION (B) OF THIS SECTION:

(1) SHALL BE CONDUCTED BY ONE OR MORE SEXUAL ASSAULT SERVICES PROGRAMS WITHOUT THE SUPERVISION OF THE COUNTY OR MUNICIPALITY THAT ARRANGED THE AUDIT;

(2) SHALL INCLUDE A REVIEW OF POLICE REPORTS, NOTES, AND ANY OTHER RELEVANT RECORDS REQUESTED BY THE SEXUAL ASSAULT SERVICES PROGRAM CONDUCTING THE AUDIT;

(3) MAY NOT DISCLOSE ANY PERSONALLY IDENTIFIABLE INFORMATION OF A VICTIM, WITNESS, OR SUSPECT; AND

(4) SHALL INCLUDE A REPORT FOR THE COUNTY OR MUNICIPALITY THAT ARRANGED THE AUDIT WITH SUGGESTIONS FOR IMPROVEMENTS TO THE RESPONSES AND REPORTING OF SEXUAL ASSAULTS.

(D) THE OFFICE OF THE ATTORNEY GENERAL SHALL ESTABLISH AND PERIODICALLY UPDATE GUIDELINES FOR CONDUCTING THIRD-PARTY AUDITS OF SEXUAL ASSAULT CASES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.