

HOUSE BILL 255

E2

7lr0618
CF 7lr2521

By: Delegates Hettleman, Sydnor, Anderson, Angel, Atterbeary, Aumann, Barkley, Barron, Bromwell, Brooks, Chang, Clippinger, Conaway, Davis, Dumais, Ebersole, Fennell, Frick, Gutierrez, Hayes, Jackson, Jones, Kaiser, Kelly, Kipke, Korman, Krimm, Lafferty, Lam, Lewis, Lierman, Luedtke, McCray, McIntosh, Miele, A. Miller, Moon, Morales, Morhaim, Pena-Melnyk, Platt, Queen, Rosenberg, Sanchez, Sophocleus, Stein, Tarlau, Valentino-Smith, M. Washington, West, B. Wilson, C. Wilson, K. Young, and P. Young

Introduced and read first time: January 23, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sexual Assault Victims’ Rights – Disposal of Rape Kit**
3 **Evidence and Notification**

4 FOR the purpose of requiring a certain health care provider to provide a certain victim with
5 written information describing the laws and policies governing the testing,
6 preservation, and disposal of a certain sexual assault evidence collection kit;
7 prohibiting a law enforcement agency, government agency, or health care provider
8 from destroying or disposing of a sexual assault evidence collection kit or certain
9 other evidence relating to a sexual assault within a certain amount of time after the
10 occurrence of the sexual assault; requiring a certain law enforcement agency,
11 government agency, or health care provider, on written request by a certain victim,
12 to notify the victim within a certain amount of time before the date of intended
13 destruction or disposal of certain evidence or retain the evidence longer than a
14 certain time period; requiring the Attorney General to adopt certain regulations; and
15 generally relating to sexual assault victims’ rights.

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 11–926
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

11–926.

(a) A health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault shall provide the victim with:

(1) contact information for the investigating law enforcement agency that the victim may contact about the status and results of the kit analysis; AND

(2) WRITTEN INFORMATION DESCRIBING THE LAWS AND POLICIES GOVERNING THE TESTING, PRESERVATION, AND DISPOSAL OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

(b) An investigating law enforcement agency that receives a sexual assault evidence collection kit, within 30 days after a request by the victim from whom the evidence was collected, shall provide the victim with:

(1) information about the status of the kit analysis; and

(2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation.

(C) (1) A LAW ENFORCEMENT AGENCY, GOVERNMENT AGENCY, OR HEALTH CARE PROVIDER MAY NOT DESTROY OR DISPOSE OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT OR OTHER CRIME SCENE EVIDENCE RELATING TO A SEXUAL ASSAULT WITHIN 20 YEARS AFTER THE EVIDENCE IS COLLECTED.

(2) ON WRITTEN REQUEST BY THE VICTIM FROM WHOM THE EVIDENCE WAS COLLECTED, A LAW ENFORCEMENT AGENCY, GOVERNMENT AGENCY, OR HEALTH CARE PROVIDER WITH CUSTODY OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT OR OTHER CRIME SCENE EVIDENCE RELATING TO A SEXUAL ASSAULT SHALL:

(I) NOTIFY THE VICTIM NO LATER THAN 60 DAYS BEFORE THE DATE OF INTENDED DESTRUCTION OR DISPOSAL OF THE EVIDENCE; OR

(II) RETAIN THE EVIDENCE LONGER THAN THE TIME PERIOD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

(D) THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS FOR UNIFORM STATEWIDE IMPLEMENTATION OF THIS SECTION.

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