

HOUSE BILL 1341

E4, E2

4lr2559

By: **Delegates Mizeur, Bobo, Fraser–Hidalgo, Frick, Gutierrez, Healey, Kaiser, A. Kelly, Luedtke, B. Robinson, and Valderrama**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Assault Survivors' Right to Know Act**

3 FOR the purpose of requiring a health care provider that performs a sexual assault
4 evidence collection kit exam on a victim of sexual assault to provide the victim
5 or the victim's representative with contact information for a certain law
6 enforcement agency; requiring a law enforcement agency that receives a sexual
7 assault evidence collection kit to provide certain information within a certain
8 period of time after a request by the victim from whom the evidence was
9 collected or the victim's representative; altering a certain reporting requirement
10 to require law enforcement agencies to report certain evidence regarding DNA
11 collection and analysis each year rather than every even-numbered year;
12 requiring a certain report to include certain information relating to unanalyzed
13 sexual assault evidence samples; and generally relating to sexual assault
14 evidence.

15 BY adding to
16 Article – Criminal Procedure
17 Section 11–926
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Public Safety
22 Section 2–514
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2013 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, 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 OR THE VICTIM'S REPRESENTATIVE WITH CONTACT INFORMATION FOR THE LAW ENFORCEMENT AGENCY THAT THE VICTIM MAY CONTACT ABOUT THE STATUS AND RESULTS OF THE KIT ANALYSIS.

(B) A 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 OR THE VICTIM'S REPRESENTATIVE, SHALL PROVIDE THE VICTIM OR THE VICTIM'S REPRESENTATIVE WITH:

(1) INFORMATION ABOUT THE STATUS OF THE KIT ANALYSIS; AND

(2) ALL RESULTS OF THE KIT ANALYSIS.

Article – Public Safety**2–514.**

(a) On or before [April 1, 2010, and on or before] April 1 of [every even-numbered] EACH year [thereafter], each local law enforcement unit shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection and analysis in its respective jurisdiction for the preceding calendar year, and the Department shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection statewide for the preceding calendar year, including:

(1) the crimes for which crime scene DNA evidence is routinely collected;

(2) the approximate number of crime scene DNA evidence samples collected during the preceding year for each category of crime;

(3) the average time between crime scene DNA evidence collection and analysis;

(4) the number of crime scene DNA evidence samples collected and not analyzed at the time of the study;

1 (5) the number of crime scene DNA evidence samples submitted to the
2 statewide DNA data base during the preceding year; [and]

3 (6) the number of crime scene DNA evidence samples, including
4 sexual assault evidence, collected by hospitals in the county during the preceding year;
5 **AND**

6 **(7) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE SAMPLES**
7 **IN THE POSSESSION OF THE LAW ENFORCEMENT UNIT THAT HAVE NOT BEEN**
8 **ANALYZED.**

9 (b) (1) The Governor's Office of Crime Control and Prevention shall
10 compile the information reported by the local law enforcement units and the
11 Department under subsection (a) of this section and submit the information to the
12 Office of Legislative Audits.

13 (2) The Office of Legislative Audits shall evaluate the information
14 received under paragraph (1) of this subsection and submit an annual summary report
15 to the Governor and, in accordance with § 2-1246 of the State Government Article, the
16 General Assembly.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2014.