

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

House Bill 1341
 Judiciary

(Delegate Mizeur, *et al.*)

Sexual Assault Survivors' Right to Know Act

This bill requires a health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault to 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. 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, must 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.

The bill also modifies an existing reporting requirement relating to crime scene DNA collection and analysis by (1) requiring local law enforcement units to submit a report each year, rather than every even-numbered year, and (2) requiring the report to include the total number of sexual assault evidence samples in the possession of the law enforcement unit that have not been analyzed.

Fiscal Summary

State Effect: General fund expenditures increase by \$76,200 in FY 2015 for the Office of Legislative Audits (OLA) to evaluate reports, as required under current law. Future years reflect annualization and inflation. The bill’s additional reporting and notification requirements for State law enforcement agencies can be handled with existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	76,200	102,900	107,600	113,700	117,800
Net Effect	(\$76,200)	(\$102,900)	(\$107,600)	(\$113,700)	(\$117,800)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None. The bill's additional reporting and notification requirements can be handled with the existing budgeted resources of local law enforcement agencies.

Small Business Effect: None.

Analysis

Current Law: Under provisions set forth in the Criminal Procedure Article relating to help for victims of sexual assault offenses, the nearest facility to which a victim of sexual assault may be taken must be designated by the Department of Health and Mental Hygiene in cooperation with (1) the Medical and Chirurgical Faculty of the State of Maryland and (2) the State's Attorney in the subdivision where the sexual assault occurred. A police officer, sheriff, or deputy sheriff who receives a report of an alleged sexual assault must offer the alleged victim the opportunity to be taken immediately to the nearest facility. That offer must be made without regard for the place of the alleged sexual assault or where it is reported. Applicable health care services must be given without charge to a victim of sexual abuse.

By April 1 of every even-numbered year, each local law enforcement unit is required to report to the Governor's Office of Crime Control and Prevention (GOCCP) on the status of crime scene DNA collection and analysis in its respective jurisdiction for the preceding calendar year, and the Department of State Police (DSP) must report to GOCCP on the status of crime scene DNA collection statewide for the preceding calendar year, including:

- the crimes for which crime scene DNA evidence is routinely collected;
- the approximate number of crime scene DNA evidence samples collected during the preceding year for each category of crime;
- the average time between crime scene DNA evidence collection and analysis;
- the number of crime scene DNA evidence samples collected and not analyzed at the time of the study;
- the number of crime scene DNA evidence samples submitted to the statewide DNA data base during the preceding year; and
- the number of crime scene DNA evidence samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.

GOCCP must compile the information reported by the local law enforcement units and DSP and submit the information to OLA. OLA must evaluate the information received and submit an annual summary report to the Governor and the General Assembly.

State Expenditures: OLA reports that the current two-year evaluation and reporting requirements are handled with the workload equivalent of one full-time senior auditor. However, making the evaluation and report an annual requirement, and adding one additional statistical category to the reports it must evaluate, cannot be met with current staffing levels. Accordingly, general fund expenditures for OLA increase by \$76,165 in fiscal 2015, which accounts for the bill's October 1, 2014 effective date. This estimate reflects the cost of hiring one senior auditor to conduct annual evaluations of information compiled by GOCCP and to submit annual summary reports to the Governor and the General Assembly. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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Salary and Fringe Benefits	\$74,905
Computer Equipment	1,050
Other Operating Expenses	<u>210</u>
Total FY 2015 State Expenditures	\$76,165

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The bill's additional reporting and notification requirements can be handled with the existing budgeted resources of DSP, GOCCP, and other State law enforcement agencies.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, city of Bowie and Takoma Park, Baltimore City, Governor's Office of Crime Control and Prevention, Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2014
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