

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1323
Judiciary

(Delegate Bartlett)

Judicial Proceedings

Victims of Sexual Abuse – Provision of Services – Technical Correction

This bill alters an incorrect cross-reference for a provision of law requiring a physician or hospital to provide applicable health care services, without charge, to a victim of sexual abuse.

Fiscal Summary

State Effect: None. The change is technical in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 422 of 2018 established the Victim Services Unit (VSU) in the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) to coordinate State responsibilities concerning services to victims, including the collection of restitution and reimbursements for sexual assault forensic evidence examinations (SAFE Exams) and other eligible expenses for cases involving rape, sexual offenses, or child sexual abuse. Oversight functions and operations relating to the Criminal Injuries Compensation Board (CICB) and the Criminal Injuries Compensation Fund were transferred from the Department of Public Safety and Correctional Services to GOCPYVS. In addition, the functions and operations relating to SAFE Exams were transferred from the Maryland Department of Health (MDH) to VSU. CICB must pay for specified forensic

examinations and other eligible expenses for cases involving rape, sexual offenses, and child sexual abuse.

Under provisions set forth in the Criminal Procedure Article relating to assistance for victims of sexual assault offenses, the nearest facility to which a victim of sexual assault may be taken must be designated by MDH 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 immediately offer the opportunity to take the alleged victim to the nearest facility. That offer must be made without regard for the place of the alleged sexual assault or where it is reported.

A victim of an alleged rape, sexual offense, or child sexual abuse may receive, without charge to the individual, (1) a physical and sexual assault forensic examination to gather information and evidence relating to the alleged crime when the examination is conducted within 15 days of the alleged crime or a longer period as provided by regulation; (2) emergency hospital treatment and follow-up medical testing for up to 90 days after the initial physical examination; and (3) up to five hours professional time to gather information and evidence for the alleged sexual abuse, as specified. The physician, qualified health care provider, or hospital providing the services (1) is entitled to payment by CICB and (2) must provide written or electronic verification, signed by a physician or qualified health care provider, to CICB that specified services were rendered to a victim of one of the applicable offenses. The request for compensation may not include a narrative describing the alleged offense or a photograph of the victim.

A physician or qualified health care provider who examines a victim of alleged child sexual abuse under applicable provisions is immune from any 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. The 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.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Governor's Office of Crime Prevention, Youth, and Victim Services; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

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