

HOUSE BILL 1043

E2, D4

(0lr2531)

ENROLLED BILL

— Appropriations/Judicial Proceedings —

Introduced by **Delegates Conway, Dumais, Bates, Beitzel, Bohanan, Branch, Bronrott, Cane, DeBoy, Eckardt, Elmore, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Heller, James, Jones, Levy, Mathias, Mizeur, Robinson, Rudolph, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Child Advocacy Centers**

3 FOR the purpose of requiring ~~the Department of Human Resources and~~ the Governor's
4 Office of Crime Control and Prevention ~~jointly~~ to establish and sustain child
5 advocacy centers in the State; specifying the organizations and entities in which
6 the centers may be based; specifying certain actions to be taken by the centers;
7 requiring that the State Victims of Crime Fund be used to support the centers;
8 ~~requiring the Governor's Office of Crime Control and Prevention to ensure that~~
9 ~~a certain amount of money be distributed equally to the centers annually as~~
10 ~~grants for certain purposes;~~ authorizing the ~~Department of Human Resources~~
11 Governor's Office of Crime Control and Prevention to contract with certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 organizations to operate the centers; requiring that money for the child
 2 advocacy centers be as provided in the State budget and be used to supplement,
 3 but not supplant, money that the centers receive from other sources; *requiring*
 4 *that grants awarded by the State Board of Victim Services be equitably*
 5 *distributed among all purposes of the State Victims of Crime Fund*; requiring
 6 the Governor's Office of Crime Control and Prevention to provide ~~input into~~ a
 7 certain report; *specifying that this Act does not affect any grants awarded by the*
 8 *State Board of Victim Services for a certain fiscal year*; ~~altering the subject of a~~
 9 ~~certain report to include the child advocacy centers~~; and generally relating to
 10 child advocacy centers.

11 BY repealing and reenacting, with amendments,
 12 Article – Criminal Procedure
 13 Section 11–916, 11–919, and 11–923
 14 Annotated Code of Maryland
 15 (2008 Replacement Volume and 2009 Supplement)

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

18 **Article – Criminal Procedure**

19 11–916.

20 (a) There is a State Victims of Crime Fund.

21 (b) (1) The Fund shall be used to pay for [carrying out]:

22 (i) **CARRYING OUT** Article 47 of the Maryland Declaration of
 23 Rights;

24 (ii) **CARRYING OUT** the guidelines for the treatment and
 25 assistance for victims and witnesses of crimes and delinquent acts provided in §§
 26 11–1002 and 11–1003 of this title; [and]

27 (iii) **CARRYING OUT** any laws enacted to benefit victims and
 28 witnesses of crimes and delinquent acts; AND

29 **(IV) SUPPORTING CHILD ADVOCACY CENTERS ESTABLISHED**
 30 **UNDER § ~~11–923(D)~~ 11–923(G) OF THIS SUBTITLE.**

31 (2) The Fund may pay for the administrative costs of the Fund.

32 (c) The Board shall administer the Fund.

**(D) GRANTS AWARDED BY THE BOARD SHALL BE EQUITABLY
DISTRIBUTED AMONG ALL PURPOSES OF THE FUND DESCRIBED IN SUBSECTION
(B) OF THIS SECTION.**

11-919.

(a) There is a grant program.

(b) The Governor's Office of Crime Control and Prevention shall:

(1) adopt regulations for the administration and award of grants under Part II of this subtitle; and

(2) submit all approved grant applications to the Board.

(c) The Board shall:

(1) approve each grant application received by the Governor's Office of Crime Control and Prevention before any money is released from the Fund; [and]

(2) ensure that the money obtained from unclaimed restitution under § 17-317(a)(3)(i) of the Commercial Law Article is used for annual grants to provide legal counsel to victims of crimes and delinquent acts to protect the victims' rights as provided by law; AND

(3) ENSURE THAT ~~A TOTAL OF \$500,000 IN ANNUAL GRANTS IS EQUALLY DISTRIBUTED TO ALL~~ CHILD ADVOCACY CENTERS ESTABLISHED UNDER ~~§ 11-923(D)~~ 11-923(G) OF THIS SUBTITLE SHALL:

(I) ~~FOR~~ SUPPORT THE DEVELOPMENT AND OPERATION OF CHILD ADVOCACY CENTERS; AND

(II) ~~TO~~ SUPPLEMENT AND NOT SUPPLANT MONEY THAT THE CHILD ADVOCACY CENTERS RECEIVE FROM OTHER SOURCES.

11-923.

(a) The General Assembly finds that an increasing number of sexual assault offense victims in the State:

(1) lack necessary counseling and follow-up services; and

(2) in some parts of the State, have only the help of extremely limited support services.

1 (b) The purpose of this section is to provide for sexual assault crisis programs
2 that address the special needs of sexual assault victims.

3 (c) (1) The Department of Human Resources shall help establish sexual
4 assault crisis programs in the State.

5 (2) The programs shall be developed and located to facilitate their use
6 by alleged victims residing in surrounding areas.

7 (3) The programs shall:

8 (i) provide specialized support services to adult and minor
9 alleged victims of sexual assault crimes; and

10 (ii) include a hotline and counseling service.

11 ~~(D) (1) THE DEPARTMENT OF HUMAN RESOURCES AND THE~~
12 ~~GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION JOINTLY SHALL~~
13 ~~ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.~~

14 ~~(2) THE CHILD ADVOCACY CENTERS:~~

15 ~~(I) MAY BE BASED IN PRIVATE NONPROFIT~~
16 ~~ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW~~
17 ~~ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;~~

18 ~~(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE~~
19 ~~THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;~~

20 ~~(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES~~
21 ~~AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;~~

22 ~~(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO~~
23 ~~APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR~~
24 ~~VICTIMS; AND~~

25 ~~(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION~~
26 ~~PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5 706 OF THE FAMILY LAW~~
27 ~~ARTICLE.~~

28 ~~[(d)] (E)~~ The Department of Human Resources may contract with public or
29 private nonprofit organizations to operate:

30 ~~(1)~~ the sexual assault crisis programs; ~~AND~~

1 ~~(2) THE CHILD ADVOCACY CENTERS.~~

2 ~~[(e)] (F)~~ Money for the sexual assault crisis programs ~~AND CHILD~~
3 ~~ADVOCACY CENTERS~~ shall be as provided in the annual State budget and shall be
4 used to supplement, but not supplant, money that the programs ~~AND CENTERS~~
5 receive from other sources.

6 ~~[(f)] (G)~~ The Secretary of Human Resources, ~~WITH INPUT FROM THE~~
7 ~~GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION~~, shall include a
8 report on the sexual assault crisis programs ~~AND CHILD ADVOCACY CENTERS~~ in the
9 Department of Human Resources annual report to the General Assembly.

10 **(G) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
11 **PREVENTION SHALL ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN**
12 **THE STATE.**

13 **(2) THE CHILD ADVOCACY CENTERS:**

14 **(I) MAY BE BASED IN PRIVATE NONPROFIT**
15 **ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW**
16 **ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;**

17 **(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE**
18 **THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;**

19 **(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES**
20 **AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;**

21 **(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO**
22 **APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR**
23 **VICTIMS; AND**

24 **(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION**
25 **PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW**
26 **ARTICLE.**

27 **(3) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
28 **PREVENTION MAY CONTRACT WITH PUBLIC OR PRIVATE NONPROFIT**
29 **ORGANIZATIONS TO OPERATE CHILD ADVOCACY CENTERS.**

30 **(4) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE AS**
31 **PROVIDED IN THE ANNUAL STATE BUDGET AND SHALL BE USED TO**
32 **SUPPLEMENT, BUT NOT SUPPLANT, MONEY THAT THE PROGRAMS RECEIVE**
33 **FROM OTHER SOURCES.**

1 **(5) ON OR BEFORE JANUARY 1 EACH YEAR, THE GOVERNOR'S**
 2 **OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT AN ANNUAL**
 3 **REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
 4 **ARTICLE, ON CHILD ADVOCACY CENTERS TO THE GENERAL ASSEMBLY.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect
 6 any grants awarded by the State Board of Victim Services for fiscal year 2011.

7 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 8 effect October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.