

SENATE BILL 398

E2
SB 949/23 – JPR

4lr1009
CF 4lr1995

By: **Senators Folden, Kramer, Ready, and West**
Introduced and read first time: January 18, 2024
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Board – Victims of Nonfatal Strangulation**

3 FOR the purpose of authorizing the reimbursement of certain physicians, qualified health
4 care providers, and hospitals by the Criminal Injuries Compensation Board for
5 certain forensic examinations of and health care services provided to a victim of
6 nonfatal strangulation without charge; and generally relating to reimbursement for
7 forensic examinations.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Procedure
10 Section 11–801(a) and (b)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 11–816.1, 11–1007, and 11–1102
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2023 Supplement)

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

20 **Article – Criminal Procedure**

21 11–801.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) “Board” means the Criminal Injuries Compensation Board.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 11-816.1.

2 (a) Notwithstanding any other provision of this title, only the provisions of §
3 11-1007 of this title and any applicable regulations adopted to carry out the provisions of
4 that section apply to reimbursement for forensic examinations and other eligible expenses
5 for cases involving rape, sexual offenses, [or] child sexual abuse, **OR NONFATAL**
6 **STRANGULATION**.

7 (b) As required under § 11-1007 of this title, the Board shall pay for forensic
8 examinations and other eligible expenses for cases involving rape, sexual offenses, [or]
9 child sexual abuse, **OR NONFATAL STRANGULATION**.

10 11-1007.

11 (a) (1) In this section the following words have the meanings indicated.

12 (2) “Child” means any individual under the age of 18 years.

13 (3) “Initial assessment” includes:

14 (i) a psychological evaluation;

15 (ii) a parental interview; and

16 (iii) a medical evaluation.

17 (4) “Physician” means an individual who is authorized under the Maryland
18 Medical Practice Act to practice medicine in the State.

19 (5) “Qualified health care provider” means an individual who is licensed by
20 a health occupations board established under the Health Occupations Article.

21 (6) (i) “Sexual abuse” means any act that involves sexual molestation
22 or exploitation of a child whether or not the sexual molestation or exploitation of the child
23 is by a parent or other individual who has permanent or temporary care, custody, or
24 responsibility for supervision of a child, or by any household or family member.

25 (ii) “Sexual abuse” includes incest, rape, or sexual offense in any
26 degree.

27 **(7) “STRANGULATION” INCLUDES STRANGULATION THAT IS NOT**
28 **RELATED TO RAPE, SEXUAL OFFENSE, OR SEXUAL ABUSE.**

29 (b) If a physician, a qualified health care provider, or a hospital provides a service
30 described in subsection (c) of this section to a victim of an alleged rape or sexual offense

1 [or], a victim of alleged child sexual abuse, **OR A VICTIM OF NONFATAL**
2 **STRANGULATION**:

3 (1) the services shall be provided without charge to the individual; and

4 (2) the physician, qualified health care provider, or hospital:

5 (i) is entitled to be paid by the Criminal Injuries Compensation
6 Board as provided under Subtitle 8 of this title for the costs of providing the services;

7 (ii) shall provide written or electronic verification signed by a
8 physician or qualified health care provider to the Criminal Injuries Compensation Board
9 that services described in subsection (c) of this section were rendered to a victim of an
10 alleged rape or sexual offense [or], a victim of alleged child sexual abuse, **OR A VICTIM OF**
11 **NONFATAL STRANGULATION**; and

12 (iii) may not include in any request to obtain payment under this
13 subsection a narrative describing the alleged offense of a victim or a photograph of the
14 victim.

15 (c) This section applies to the following services:

16 (1) a physical and sexual assault forensic examination to gather
17 information and evidence as to an alleged crime when the examination is conducted within
18 15 days of the alleged crime or a longer period as provided by regulation;

19 (2) emergency hospital treatment and follow-up medical testing for up to
20 90 days after the initial physical examination; and

21 (3) for up to 5 hours of professional time to gather information and evidence
22 of the alleged sexual abuse, an initial assessment of a victim of alleged child sexual abuse
23 by:

24 (i) a physician;

25 (ii) qualified hospital health care personnel;

26 (iii) a qualified health care provider;

27 (iv) a mental health professional; or

28 (v) an interdisciplinary team expert in the field of child abuse.

29 (d) (1) A physician or a qualified health care provider who examines a victim
30 of alleged child sexual abuse under the provisions of this section is immune from civil
31 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.

(2) The immunity extends to:

(i) any hospital with which the physician or qualified health care provider is affiliated or to which the child is brought; and

(ii) any individual working under the control or supervision of the hospital.

11–1102.

(a) There is a Victim Services Unit in the Governor's Office of Crime Prevention, Youth, and Victim Services.

(b) The Unit consists of:

(1) the Criminal Injuries Compensation Board under Subtitle 8 of this title;

(2) the program for sexual assault **AND NONFATAL STRANGULATION** forensic examinations under § 11–1007 of this title;

(3) a restitution section; and

(4) any other program that provides victim services under the Governor's Office of Crime Prevention, Youth, and Victim Services that the Executive Director determines would benefit from inclusion under the Unit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.