

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 491
Judiciary

(Delegate Phillips)

Criminal Procedure - Victims of Sexually Assaultive Behavior - Request for
Verbal Acknowledgement

This bill prohibits a law enforcement agency, in interactions with a victim of sexually assaultive behavior, from making a request for verbal acknowledgment to waive certain rights, as otherwise specified in statute.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Statutory provisions set forth specific requirements in regard to law enforcement interactions with victims of sexually assaultive behavior. A law enforcement agency may not present to the victim a form purporting to (1) relieve the law enforcement agency of an obligation to the victim; (2) preclude or define the scope of an investigation by the law enforcement agency into an act allegedly committed against the victim; (3) prevent or limit a prosecution of an act allegedly committed against the victim; or (4) limit a private right of action of the victim pertaining to either an act allegedly committed against the victim or the victim's interaction with the law enforcement agency.

If a victim requests that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended, the law enforcement agency must thoroughly

document the request and follow up with the victim in accordance with practices recommended by the Maryland Police Training and Standards Commission.

Upon a violation by a law enforcement agency, an affected victim may bring an action seeking injunctive or declaratory relief.

“Sexually assaultive behavior” is an act that would constitute (1) a sexual crime under Title 3, Subtitle 3 of the Criminal Law Article; (2) sexual abuse of a minor; (3) sexual abuse of a vulnerable adult; (4) a violation of 18 U.S.C. Chapter 109A (federal sexual abuse statutes); or (5) a violation of a law of another state, the United States, or a foreign country that is equivalent to these offenses.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 531 (Senators Hettleman and Love) - Judicial Proceedings.

Information Source(s): Anne Arundel, Baltimore, Cecil, and Somerset counties; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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caw/jkb

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