
BILL NO.: Senate Bill 406
TITLE: Criminal Procedure – Sexual Assault Evidence Kits – Privacy, Reimbursement and Notification
COMMITTEE: Judicial Proceedings
DATE: February 13, 2020
POSITION: **SUPPORT**

Senate Bill 406 seeks to protect the privacy of survivors of sexual assault and ensure that medical providers are properly reimbursed for all sexual assault forensic examinations (SAFE). The Women's Law Center of Maryland fully supports any and all measures aimed at addressing the needs of survivors of rape and sexual assault and as such urges a favorable support for SB406.

Current law requires the Criminal Injuries Compensation Fund to provide health care providers with reimbursement for performing a SAFE exam. Reimbursement is regulated by COMAR, including provisions regarding which SAFEs qualify for reimbursement and the information which must be provided. Senate Bill 406 addresses two issues: first, it prohibits the State from requiring graphic details of a victim's sexual assault or copies of photographs obtained during the exam. This is to protect victim privacy. Second, it expands the time period to conduct a SAFE exam to reflect current science.

In order to be reimbursed for performing a SAFE exam, health care providers must establish that a crime has been committed. However, it is unnecessary for the providers to divulge detailed and private information about the assault where it is a commonly accepted practice to use medical diagnostic codes. Furthermore, practitioners are only reimbursed for SAFE exams conducted within 120 hours of an assault, despite the best practices of the Maryland State Police to conduct exams up to 15 days after the incident. Thus, practitioners who follow the MSP's protocols are often left without reimbursement.

One out of every five Maryland women—about 466,000—has been the victim of rape sometime in her lifetime, and more than half of Maryland's women—about 1,248,000—and more than one sixth of Maryland's men—about 359,000—have experienced other forms of sexual violence. Furthermore, approximately 45% of women in abusive relationships are also sexually assaulted during the course of the relationship. A coordinated community response is key to supporting survivors of sexual assaults and that includes the provisions of SB 406.

For the above reasons, the Women's Law Center of Maryland urges a favorable report for SB 406.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.