



State of Maryland
Department of State Police
Government Affairs Section
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POSITION ON PROPOSED LEGISLATION

DATE: February 11, 2020

BILL NUMBER: House Bill 425 **POSITION:** Favor w/Amendments

BILL TITLE: Criminal Procedure – Sexual Assault Evidence Kits – Privacy, Reimbursement, and Notification

REVIEW AND ANALYSIS:

This legislation seeks to require a physician or qualified health care worker to provide verification of services to the Criminal Injuries Compensation Board in written or electronic format. Additionally, the legislation specifies that the services include a sexual assault forensic examination when the examination is conducted within 15 days of the alleged crime or longer as provided by regulation.

The current period of time, post assault, for which medical practitioners are eligible for reimbursement of their services for collection of a sexual assault kit in Maryland is 5 days.

As the result of recent advances in Forensic DNA technology, research has shown that the increased sensitivity associated with the newest generation of testing platforms has extended the window in which DNA profiles can successfully be obtained from cervical swabs. Studies have shown the ability to obtain DNA profiles from cervical swabs collected up to 9 days post assault and it is theorized that cervical swabs could yield useable DNA results up until the next menstrual cycle.

It is the Maryland Department of State Police Forensic Sciences Division policy to test cervical swabs up to 15 days post assault; however, these samples are practically never collected because of the current 5 day reimbursement window. Therefore, changing the reimbursement window to 15 days post assault allows for the potential identification of additional perpetrators of sexual assault who otherwise would remain unaccounted for.

The Governor's Office of Crime Prevention, Youth, and Victim Services is requesting an amendment to require the verification to be signed by the treating physician or health care provider.

For these reasons, the Department urges the Committee to give House Bill 425 as amended, a favorable report.