

**Bill Number: HB1248**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION OF HOUSE BILL 1248**  
**SEXUAL ASSAULT EVIDENCE KITS – VOLUNTARY PAYMENT**

I write in opposition to House Bill 1248 which would permit a victim, or insurance carrier of the victim, of a sexual assault to test an untested forensic kit by paying for its testing.

Maryland has recently made great strides in improving the number of DNA kits being tested. Last year the state received a grant to test a number of DNA kits which previously had not been tested. This testing process is starting to happen now. In addition, the Governor has put in place funding for the testing of more kits state-wide.

What is more is Criminal Procedure Article 11-926 was just changed requiring “(e) a sexual assault evidence kit shall be submitted to a forensic laboratory for analysis unless:”. That means the kits victims and insurance carriers would be paying for would be kits that could not be put into CODIS or ones for which it is determined that a crime was not committed. What would be the purpose of testing the kit?

House Bill 1248 does not recognize that before these kits can be sent to a forensic lab for testing, a local lab or the Maryland State Police lab must review the kit to make sure it is proper for testing. House Bill 1248 does not account for the chain of custody of the kit. It does not require that the lab be an accredited lab. There are a whole myriad of problems that arise with House Bill 1248.

Maryland currently has a Sexual Assault Evidence Kit Policy and Funding Committee made up of state-wide experts constantly reviewing best practices regarding forensic kits. It is that committee that the legislature should rely upon for sexual assault kit recommendations.

I urge an unfavorable report on House Bill 1248.