

# HOUSE BILL 1550

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By: **Delegate Conaway**

Introduced and read first time: February 25, 2025

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sexual Assault Evidence Collection Kits – Testing and**  
3 **Reporting**

4 FOR the purpose of requiring a law enforcement agency to provide a certain victim of sexual  
5 assault certain notice pertaining to the submission of a sexual assault evidence  
6 collection kit to a forensic laboratory under certain circumstances; altering a certain  
7 provision of law to require a forensic laboratory to determine suitability and perform  
8 screening, testing, and analysis within a certain time period of receipt of a sexual  
9 assault evidence collection kit, rather than in a timely manner; authorizing a victim  
10 of sexual assault to have a certain sexual assault evidence collection kit screened,  
11 tested, and analyzed at the victim's expense at a certain time; requiring forensic  
12 laboratories to eliminate any untested sexual assault evidence collection kit backlog  
13 in a certain manner at a certain time; requiring each law enforcement agency to  
14 submit a certain annual report to the House Judiciary Committee; and generally  
15 relating to sexual assault evidence.

16 BY repealing and reenacting, with amendments,  
17 Article – Criminal Procedure  
18 Section 11–926  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2024 Supplement)

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

23 **Article – Criminal Procedure**

24 11–926.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Child advocacy center" has the meaning stated in § 13-2201 of the  
2 Health – General Article.

3 (3) "Hospital" has the meaning stated in § 19-301 of the Health – General  
4 Article.

5 (4) "Qualified health care provider" has the meaning stated in § 11-1007  
6 of this article.

7 (5) (i) "Sexual assault evidence collection kit" means physical evidence  
8 collected:

- 9 1. by a qualified health care provider;
- 10 2. from the body or clothing of a living or deceased person;
- 11 3. following an allegation or suspicion of sexual assault; and
- 12 4. for the purpose of preserving the physical evidence.

13 (ii) "Sexual assault evidence collection kit" does not include a  
14 self-administered sexual assault evidence collection kit.

15 (b) A qualified health care provider that performs a sexual assault evidence  
16 collection kit exam on a victim of sexual assault shall provide the victim with:

17 (1) contact information for the investigating law enforcement agency that  
18 the victim may contact about the status and results of the kit analysis; and

19 (2) written information describing the laws and policies governing the  
20 testing, preservation, and disposal of a sexual assault evidence collection kit.

21 (c) An investigating law enforcement agency that receives a sexual assault  
22 evidence collection kit[,] SHALL:

23 **(1) UNLESS THERE IS A REQUEST TO WAIVE NOTICE, NOTIFY THE**  
24 **VICTIM VIA E-MAIL OF THE SUBMISSION OF THE VICTIM'S SEXUAL ASSAULT**  
25 **EVIDENCE KIT TO A FORENSIC LABORATORY; AND**

26 **(2)** within 30 days after a request by the victim from whom the evidence  
27 was collected, [shall] provide the victim with:

28 **[(1)] (I)** information about the status of the kit analysis; and

29 **[(2)] (II)** all available results of the kit analysis except results that would  
30 impede or compromise an ongoing investigation.

1 (d) (1) A sexual assault evidence collection kit or a self-administered sexual  
2 assault evidence collection kit shall be transferred to a law enforcement agency:

3 (i) by a hospital or a child advocacy center within 30 days after the  
4 exam is performed; or

5 (ii) by a government agency in possession of a kit, unless the agency  
6 is otherwise required to retain the kit by law or court rule.

7 (2) Except as provided in paragraph (3) of this subsection, within 75 years  
8 after the evidence is collected, a law enforcement agency may not destroy or dispose of:

9 (i) a sexual assault evidence collection kit; or

10 (ii) other crime scene evidence relating to a sexual assault that has  
11 been identified by the State's Attorney as relevant to prosecution.

12 (3) A law enforcement agency is not required to comply with the  
13 requirements in paragraph (2) of this subsection if:

14 (i) the case for which the evidence was collected resulted in a  
15 conviction and the sentence has been completed; or

16 (ii) all suspects identified by testing a sexual assault evidence  
17 collection kit are deceased.

18 (4) On written request by the victim from whom the evidence was collected,  
19 a law enforcement agency with custody of a sexual assault evidence collection kit or other  
20 crime scene evidence relating to a sexual assault shall:

21 (i) notify the victim no later than 60 days before the date of intended  
22 destruction or disposal of the evidence; or

23 (ii) retain the evidence for 12 months longer than the time period  
24 specified in paragraph (2) of this subsection or for a time period agreed to by the victim and  
25 the law enforcement agency.

26 (e) A sexual assault evidence collection kit shall be submitted to a forensic  
27 laboratory for analysis unless:

28 (1) there is clear evidence disproving the allegation of sexual assault;

29 (2) the facts alleged, if true, could not be interpreted to violate a provision  
30 of Title 3, Subtitle 2, Title 3, Subtitle 3, Title 3, Subtitle 6, or Title 11, Subtitle 3 of the  
31 Criminal Law Article;

1 (3) the victim from whom the evidence was collected declines to give  
2 consent for analysis; or

3 (4) the suspect's profile has been collected for entry as a convicted offender  
4 for a qualifying offense in the Combined DNA Index System (CODIS) maintained by the  
5 Federal Bureau of Investigation and the suspect has pleaded guilty to the offense that led  
6 to the sexual assault evidence collection kit.

7 (f) (1) If a victim of sexual assault wishes to remain anonymous and not file a  
8 criminal complaint, the victim shall be informed that the victim may file a criminal  
9 complaint at a future time.

10 (2) If a provision of subsection (e) of this section is determined to be  
11 satisfied after the submission of the victim's sexual assault evidence collection kit for  
12 analysis, testing may be terminated or not initiated.

13 (g) Except as provided in subsection (e) of this section, an investigating law  
14 enforcement agency that receives a sexual assault evidence collection kit shall:

15 (1) submit the kit and all requested associated reference standards to a  
16 forensic laboratory for analysis within 30 days of receipt of the kit and all requested  
17 associated reference standards; and

18 (2) make use of certified sexual assault crisis programs or other qualified  
19 community-based sexual assault victim service organizations that can provide services and  
20 support to survivors of sexual assault.

21 (h) (1) (i) A forensic laboratory that receives a sexual assault evidence  
22 collection kit and all requested associated reference standards for analysis shall determine  
23 suitability and complete screening, testing, and analysis [in a timely manner] **WITHIN 180**  
24 **DAYS OF RECEIPT OF THE KIT.**

25 (ii) Failure to complete the screening, testing, and analysis [in a  
26 timely manner] **WITHIN 180 DAYS OF RECEIPT OF THE KIT** as required in subparagraph  
27 (i) of this paragraph may not constitute the basis for excluding the analysis or results as  
28 evidence in a criminal proceeding.

29 **(III) IF A FORENSIC LABORATORY DOES NOT COMPLETE**  
30 **SCREENING, TESTING, AND ANALYSIS WITHIN 180 DAYS OF RECEIPT OF THE KIT, THE**  
31 **VICTIM MAY HAVE THE KIT SCREENED, TESTED, AND ANALYZED AT THE VICTIM'S**  
32 **EXPENSE.**

33 (2) Forensic laboratories shall:

1                   **(I) AS SOON AS POSSIBLE, ELIMINATE ANY BACKLOG OF**  
2 **UNTESTED SEXUAL ASSAULT EVIDENCE COLLECTION KITS ON A FIRST-IN,**  
3 **FIRST-OUT BASIS; AND**

4                   **(II)** report annually to the Maryland Sexual Assault Evidence Kit  
5 Policy and Funding Committee regarding the duration required to complete testing,  
6 beginning with receipt of the kit until a report is prepared, of each sexual assault evidence  
7 collection kit.

8           (i)   (1)   The eligible results of an analysis of a sexual assault evidence collection  
9 kit shall be entered into CODIS.

10           (2)   The DNA collected from a victim under this section may not be used for  
11 any purpose except as authorized by this section.

12           (j)   (1)   Any agreement, condition of access or use, or policy that limits or waives  
13 any substantive or procedural right or remedy to a claim against any person who provides  
14 a victim or another person with any service, product, information, or other means to collect  
15 evidence of a sexual assault is null and void as being against the public policy of the State.

16           (2)   Any disclaimer of any warranties, express or implied, of  
17 merchantability, fitness for a particular purpose, or noninfringement regarding any  
18 service, product, information, or other means to collect evidence of a sexual assault is null  
19 and void as being against the public policy of the State.

20           **(K) ON OR BEFORE DECEMBER 31, 2025, AND EACH DECEMBER 31**  
21 **THEREAFTER, EACH LAW ENFORCEMENT AGENCY SHALL SUBMIT A REPORT TO THE**  
22 **HOUSE JUDICIARY COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE**  
23 **GOVERNMENT ARTICLE, WITH REGARD TO THE PREVIOUS FISCAL YEAR, ON:**

24           **(1) THE NUMBER OF MINORS TESTED UNDER THIS SECTION BY**  
25 **JURISDICTION;**

26           **(2) THE NUMBER OF ADULTS TESTED UNDER THIS SECTION BY**  
27 **JURISDICTION; AND**

28           **(3) THE NUMBER OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS**  
29 **WITHDRAWN FROM TESTING BY JURISDICTION.**

30           **[(k)] (L)** The Attorney General shall adopt regulations for uniform statewide  
31 implementation of this section.

32           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2025.