

SENATE BILL 669

J1, E4

5lr2433
CF HB 675

By: **Senators Hettleman, Folden, Love, Waldstreicher, West, and Smith**

Introduced and read first time: January 26, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2025

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Rape Kit Testing – Tracking Program and Grant Fund –**
3 **Alterations**

4 FOR the purpose of altering the date by which a certain report under a certain sexual
5 assault evidence collection kit tracking program is required to be submitted; altering
6 the purpose and use of the Rape Kit Testing Grant Fund; expanding the duties of the
7 Executive Director of the Governor’s Office of Crime Prevention and Policy relating
8 to the Fund; prohibiting the use of the Fund for ~~the Sexual Assault Evidence Kit~~
9 ~~Tracking System~~ a certain sexual assault evidence collection kit tracking program;
10 and generally relating to ~~the Rape Kit Testing Grant Fund~~ rape kit testing.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 11–926.1(b)(2)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 4–401
19 Annotated Code of Maryland
20 (2022 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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Criminal Procedure

11-926.1.

(b) (2) A law enforcement agency or a person, including a health care provider, forensic laboratory, or State’s Attorney, that had control or possession of a sexual assault evidence collection kit before October 1, 2023, and has control or possession of the sexual assault evidence collection kit on or after October 1, 2023, shall report location, status, and chain of custody information to the reporting program established under this section on or before [December 31, 2025] MARCH 31, 2026.

Article – Public Safety

4-401.

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

(2) “Forensic laboratory” means a facility, an entity, or a site that offers or performs forensic analysis and is owned or operated by the State, a county or municipal corporation in the State, or another governmental entity.

(3) “Fund” means the Rape Kit Testing Grant Fund.

(4) “Law enforcement agency” means the Department of State Police or a police department of a county or municipal corporation in the State.

(b) There is a Rape Kit Testing Grant Fund.

(c) The purpose of the Fund is to PROVIDE FUNDING TO:

(1) ~~provide~~ law enforcement agencies ~~with funding~~ to pay for testing of sexual assault evidence collection kits by forensic laboratories, INCLUDING EQUIPMENT, SUPPLIES, PERSONNEL, AND OUTSOURCING;

(2) ~~PROVIDE~~ THE OFFICE OF THE ATTORNEY GENERAL ~~WITH FUNDING~~ TO ASSIST LAW ENFORCEMENT AGENCY INVESTIGATIONS OF CRIMES INVOLVING SEXUAL ASSAULT EVIDENCE COLLECTION KITS THAT WERE COLLECTED BEFORE OCTOBER 1, 2020, AND HAVE NOT BEEN TESTED;

(3) ~~PROVIDE~~ THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION ~~WITH FUNDING~~ FOR A STATEWIDE SEXUAL ASSAULT VICTIM NOTIFICATION HOTLINE AND RELATED PERSONNEL TO PROVIDE VICTIMS OF SEXUAL ASSAULT WITH:

(I) ADVOCACY;

1 (II) SUPPORT;

2 (III) INFORMATION ABOUT UNTESTED RAPE KITS;

3 (IV) INFORMATION ABOUT NAVIGATING THE SEXUAL ASSAULT
4 EVIDENCE KIT TRACKING SYSTEM ESTABLISHED UNDER § 11-926.1 OF THE
5 CRIMINAL PROCEDURE ARTICLE; AND

6 (V) VICTIMS' RIGHTS INFORMATION; AND

7 (4) ~~PROVIDE SUPPORT TO~~ PEER-TO-PEER TELEHEALTH PROGRAMS
8 AS DEFINED IN § 11-1007 OF THE CRIMINAL PROCEDURE ARTICLE.

9 (d) The Executive Director of the Governor's Office of Crime Prevention and
10 Policy shall:

11 (1) administer the Fund;

12 (2) establish and publish procedures for the distribution of funding ~~to law~~
13 ~~enforcement agencies;~~

14 (3) ensure each jurisdiction in the State that has a forensic laboratory is
15 able to access the Fund;

16 (4) consider the number of sexual assault incidents that were investigated
17 by a law enforcement agency in the prior fiscal year when distributing funding; [and]

18 (5) (I) ENSURE THAT FUNDS ARE DISTRIBUTED IN ACCORDANCE
19 WITH SUBSECTION (C)(2) AND (3) OF THIS SECTION EACH FISCAL YEAR UNTIL ALL
20 SEXUAL ASSAULT EVIDENCE COLLECTION KITS COLLECTED BEFORE OCTOBER 1,
21 2020, HAVE BEEN TESTED, OR IT HAS BEEN DETERMINED THAT TESTING IS NOT
22 REQUIRED UNDER § 11-926 OF THE CRIMINAL PROCEDURE ARTICLE; AND

23 (II) UNLESS THE APPROPRIATION TO THE FUND IS REDUCED OR
24 FUNDING HAS BEEN AWARDED FROM THE NATIONAL SEXUAL ASSAULT KIT
25 INITIATIVE FOR THE SAME PURPOSE, ENSURE THAT FUNDS DISTRIBUTED UNDER
26 THIS PARAGRAPH ARE NOT LESS THAN THE AMOUNT DISTRIBUTED FOR THE PRIOR
27 FISCAL YEAR; AND

28 (6) submit a report with information on the distribution of funding to the
29 General Assembly, in accordance with § 2-1257 of the State Government Article, before
30 September 1 each year.

1 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
2 the State Finance and Procurement Article.

3 (2) The State Treasurer shall hold the Fund separately, and the
4 Comptroller shall account for the Fund.

5 (f) The Fund consists of:

6 (1) money appropriated in the State budget to the Fund;

7 (2) any interest earnings of the Fund; and

8 (3) any other money from any other source accepted for the benefit of the
9 Fund.

10 (g) (1) The Fund may be used only for [equipment, supplies, personnel, and
11 outsourcing necessary for the testing of sexual assault evidence collection kits in forensic
12 laboratories] **THE PURPOSES STATED IN SUBSECTION (C) OF THIS SECTION.**

13 (2) Subject to paragraph (1) of this subsection, the Fund may be used ~~for~~
14 ~~equipment, supplies, personnel, and outsourcing necessary~~ for the testing of sexual assault
15 evidence collection kits collected before or after the establishment of the Fund.

16 **(3) THE FUND MAY NOT BE USED TO SUPPORT THE SEXUAL ASSAULT
17 EVIDENCE COLLECTION KIT TRACKING ~~SYSTEM~~ PROGRAM ESTABLISHED UNDER §
18 11–926.1 OF THE CRIMINAL PROCEDURE ARTICLE.**

19 (h) (1) The State Treasurer shall invest the money of the Fund in the same
20 manner as other State money may be invested.

21 (2) Any interest earnings of the Fund, including interest earnings under
22 subsection (f) of this section, shall be credited to the Fund.

23 (i) **(1)** Expenditures from the Fund may be made only in accordance with the
24 State budget.

25 **(2) THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF**
26 **CRIME PREVENTION AND POLICY MAY MAKE A GRANT FROM THE FUND FOR A**
27 **PERIOD OF UP TO 36 MONTHS.**

28 (j) Money expended from the Fund for testing of sexual assault evidence
29 collection kits is supplemental to and is not intended to take the place of funding that
30 otherwise would be appropriated for [testing of sexual assault evidence collection kits] **THE**
31 **PURPOSES OF THE FUND AS STATED IN SUBSECTION (C) OF THIS SECTION.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.