

Department of Legislative Services  
Maryland General Assembly  
2025 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 206

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Office of Crime Prevention and Policy)

Judicial Proceedings

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Public Safety - Rape Kit Collection, Testing, and Tracking Grant Fund -  
Alterations

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This departmental bill makes several changes to the Rape Kit Testing Grant Fund. Specifically, the bill (1) renames the fund to be the Rape Kit Collection, Testing, and Tracking Grant Fund; (2) alters the stated purpose of the fund; (3) expands the authorized uses of the fund and the entities eligible to receive grants from the fund; (4) authorizes the Governor's Office of Crime Prevention and Policy (GOCPP) to use up to 5% of the fund for administrative purposes; and (5) alters the deadline for a related annual report.

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Fiscal Summary

**State Effect:** Special fund expenditures for GOCPP increase beginning in FY 2026. Special fund revenues and expenditures for the Department of State Police (DSP) increase beginning in FY 2026 to the extent it receives and spends additional grants from the fund.

**Local Effect:** Local revenues and expenditures increase to the extent local law enforcement agencies receive and spend additional grants from the fund.

**Small Business Effect:** GOCPP has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

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Analysis

**Bill Summary:** As altered by the bill, the stated purpose of the fund is to provide law enforcement agencies with *multi-year* funding to pay for testing of sexual assault evidence

collection kits. The bill specifies that the fund may be used for equipment, supplies, personnel, and outsourcing necessary to test sexual assault evidence collection kits collected before or after the establishment of the fund.

The bill authorizes GOCPP, after distributing funding to pay for testing, to provide grants to (1) law enforcement agencies to fund an increase in the sexual assault evidence collection kit testing capacity of laboratories, including technological and physical improvements, subject to specified provisions of State law relating to capital projects; (2) support efforts to enter sexual assault evidence collection kits into the Sexual Assault Evidence Collection Kit Reporting Program; (3) hospitals for the hiring of RN-FNE positions; and (4) hospitals or nonprofit organizations to pay for training, training materials, and other resources required for the RN-FNE certification. “RN-FNE” means a registered nurse – forensic nurse examiner certified by the State Board of Nursing.

The bill also alters the date, from September 1 to October 1, by which the Executive Director of GOCPP must submit its annual report to the General Assembly on the distribution of funding from the fund.

### **Current Law/Background:**

#### *Rape Kit Testing Grant Fund*

Chapters 508 and 509 of 2019 established the Rape Kit Testing Grant Fund, a special fund administered by the Executive Director of GOCPP, to provide law enforcement agencies with funding to pay for testing of sexual assault evidence collections kits by forensic laboratories. The Executive Director must (1) establish and publish procedures for the distribution of funding to law enforcement agencies; (2) ensure each jurisdiction in the State that has a forensic laboratory is able to access the fund; (3) consider the number of sexual assault incidents that were investigated by a law enforcement agency in the prior fiscal year when distributing funding; and (4) submit an annual report on the distribution of funding to the General Assembly by September 1 each year. The most recent annual report can be found [here](#).

The fund consists of money appropriated in the State budget, interest earnings, and any other money accepted for the benefit of the fund. The fund may only be used for equipment, supplies, personnel, and outsourcing necessary for the testing of sexual assault evidence kits in forensic laboratories; however, the fund may be used for equipment, supplies, personnel, and outsourcing necessary for the testing of sexual assault evidence collection kits collected before or after the establishment of the fund.

Expenditures from the fund may be made only in accordance with the State budget. Money expended from the fund for testing of sexual assault evidence collection kits is

supplemental to and is not intended to take the place of funding that otherwise would be appropriated for testing of sexual assault evidence collection kits. The fiscal 2025 budget includes an appropriation of \$3.5 million for the fund.

GOCPP advises that the bill is intended to maximize the amount of grant funding awarded from the fund, as it typically carries a significant fund balance between fiscal years. For example, at the end of fiscal 2024, the fund balance totaled \$3,975,666. GOCPP notes that it has become aware that State and local law enforcement agencies need funding to increase or improve their laboratories' capacities before they can increase testing and that it is not clear under current law that GOCPP is able to use the fund to award grants for capital improvements. GOCPP further advises that it is also aware that there is a shortage of forensic nurse examiners and that the bill's changes allow the fund to be used to hire and train more forensic nurse examiners in Maryland.

### *Sexual Assault Evidence Collection Kit Reporting Program*

Chapters 704 and 705 of 2023 established the Sexual Assault Evidence Collection Kit Reporting Program. Administered by GOCPP, the reporting program tracks the location, status, and chain of custody of sexual assault evidence collection kits. The reporting program must (1) track the location, status, and chain of custody of sexual assault evidence collection kits in the State; (2) receive information relating to the location, status, and chain of custody from any law enforcement agency or person with control or possession of a kit; and (3) allow for a victim or a victim's representative to track the location, status, and chain of custody of a kit containing samples taken from the victim.

Beginning October 1, 2023, a law enforcement agency or any person that has control or possession of a sexual assault evidence collection kit, including a health care provider, forensic laboratory, or State's Attorney, must (1) report location, status, and chain of custody information to the reporting program in a manner required by GOCPP and (2) comply with all regulations developed by GOCPP under the reporting program. A law enforcement agency or a person that had control or possession of a sexual assault evidence collection kit before October 1, 2023 – or has control or possession of a kit on or after October 1, 2023 – must report location, status, and chain of custody information to the reporting program by December 31, 2025.

### *Maryland Sexual Assault Evidence Kit Policy and Funding Committee*

Chapter 659 of 2017 established the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to develop and disseminate best practices information and recommendations regarding, among other things, the testing and retention of sexual assault evidence collection kits and reducing the shortage of forensic nurse examiners. In January 2025, the committee released its most recent [annual report](#).

**State Fiscal Effect:**

*Grant Awards*

Special fund expenditures for GOCPP increase to the extent the bill results in additional grants being awarded from the fund. However, a reliable estimate of any increase in special fund expenditures cannot be made, as the number and amount of any additional grant awards made by GOCPP under the bill cannot be predicted.

As noted above, the fund typically carries a fund balance. **Exhibit 1** shows the annual funding for and grants awarded from the fund in fiscal 2023 through 2025. GOCPP advises that grant awards are generally determined before the start of the fiscal year and that no new applications are considered until the following fiscal year. GOCPP notes that the grant amounts awarded in fiscal 2024 are atypical because an award to Baltimore County included funding to test decades-old slides recovered from the Greater Baltimore Medical Center.

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**Exhibit 1**  
**Funding for and Grants Awarded from the Rape Kit Grant Fund**

<b>Fiscal Year</b>	<b>Total Funding</b>	<b>Grants Awarded</b>
2023	\$3,500,000	\$1,128,562
2024	\$3,500,000	\$2,998,204
2025	\$3,500,000	\$1,717,323

Sources: Governor’s Office for Crime Prevention and Policy; Department of Legislative Services

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The proposed fiscal 2026 budget has not been released as of the publication of this fiscal and policy note. However, as the fund has historically received \$3.5 million annually, it is assumed that the fund will continue to receive that level of funding in fiscal 2026 and beyond. As shown above, significant funding remains each year after grants are awarded.

As a grant recipient, DSP special fund revenues and expenditures increase to the extent it receives and spends additional grants from the fund due to the bill’s changes. However, a reliable estimate of any increase in grant awards to DSP – and the corresponding increase in DSP special fund revenues and expenditures – is not feasible.

## *Administrative Expenses*

The bill authorizes GOCPP to use up to 5% of the fund for administrative purposes. GOCPP advises that the fund is currently overseen by four staff (a program manager, a grant manager, an administrator, and the Victim Services Director) who split their administration of the fund with other responsibilities. Although the bill authorizes the use of the special fund for administrative costs, there is no anticipated impact on the general fund, as any general fund expenditures *exclusively attributable* to the current administration of the fund are assumed to be minimal.

GOCPP further advises that current staff cannot absorb any additional responsibilities and that it needs to hire one additional administrative officer to oversee the general management of the fund and one part-time contractual grants specialist to process grant applications and disburse grants; costs associated with these positions are estimated to total approximately \$126,600 in fiscal 2026, increasing to \$165,100 by fiscal 2030.

DLS disagrees. Although the bill expands the authorized purposes of the fund and the entities eligible to apply for and receive grants, the bill's changes are not significant enough to justify the need for additional staff at this time. Therefore, GOCPP can likely handle the bill's changes with existing staff. To the extent existing staff prove insufficient, GOCPP can request additional resources through the annual budget process. If additional staff are hired, the amount available for grant awards decreases commensurately as the fund is used for administrative purposes, as authorized by the bill. In addition, GOCPP may experience operational efficiencies as the existing staff that oversee the fund are shifted to other responsibilities within the office.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 58 (Chair, Judiciary Committee)(By Request - Departmental - Office of Crime Prevention and Policy) - Judiciary.

**Information Source(s):** Anne Arundel, Baltimore, Cecil, and Frederick counties; City of Frederick; Maryland Municipal League; Governor's Office of Crime Prevention and Policy; Maryland Department of Health; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - January 13, 2025  
js/lgc

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## **ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

**TITLE OF BILL:** Public Safety - Rape Kit Collection, Testing, and Tracking Grant Fund - Alterations

**BILL NUMBER:** SB 206

**PREPARED BY:** Bethany Young

### **PART A. ECONOMIC IMPACT RATING**

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

**OR**

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### **PART B. ECONOMIC IMPACT ANALYSIS**

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