



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1096
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 1096.

House Bill 1096 – DNA Reports – Admission into Evidence

This bill would create a standard "Notice and Demand" provision covering DNA reports, similar to the one already in place for Controlled Dangerous Substance reports in Courts Article 10-1001 *et seq.* House Bill 1096 would permit admission of crucial DNA evidence based on certification regarding chain of custody. Defense would still be permitted to call witnesses and challenge the chain of custody evidence if it chose. Technical amendments clarify documentation requirements.

This would simplify and shorten sexual assault prosecutions while maintaining due process. Under current law, the State is required to call a series of witnesses from the forensic lab to testify to routine, uncontested matters in order to admit DNA evidence. This forces the prosecution to produce a string of witnesses whose testimony does very little to assist the jury in the search for truth. This prolongs trial unnecessarily and confuses jurors, by drowning useful information in a stream of chain-of-custody testimony about which there was never any good-faith dispute.

The use of DNA to solve "cold case" sexual assaults that occurred years, and sometimes decades, in the past makes this bill even more important. A person who handled a SAFE kit twenty years ago and who has since died, retired, or moved can suddenly become a crucial chain-of-custody witness even though she had nothing to do with either the collection of the evidence or the DNA test that has, at long last, identified a suspect. The current process delays justice for sexual assault survivors in these cases for no good reason.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 1096**