



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

JOSHUA M. GREENBERG
Associate Director of Government Affairs

BILL NO.: **SB 789**

TITLE: **Sexual Assault Evidence Collection Kits - Preservation and Storage**

SPONSOR: **Senator Hettleman**

COMMITTEE: **Judicial Proceedings**

POSITION: **SUPPORT WITH AMENDMENTS**

DATE: **March 9, 2023**

Baltimore County **SUPPORTS WITH AMENDMENTS** Senate Bill 789 – Sexual Assault Evidence Collection Kits - Preservation and Storage. This legislation would alter requirements for the storage and preservation of sexual assault evidence collection kits.

Baltimore County supports SB 789, which will improve the handling of sexual assault evidence kits (SAKs, or SAFE kits), with amendments; including, amendments to address serious issues related to “do-it-yourself, at-home or other self-administered kits” which are not collected by qualified professionals and should not be given the same status and handling requirements as SAKs.

SB 789 will increase the legally required retention period for qualified SAKs to 75 years, from the current 20 years. The Baltimore County Police Department already has a retention period of 75 years established by departmental policy, and the Department believes 75 years is the appropriate period because of the well-established challenges inherent in sexual assault cases, including delayed reporting by traumatized victims. Baltimore County is committed to victim-centered, offender-focused, and trauma-informed handling of sexual assault cases, and this bill with appropriate amendments will support these efforts and standardize appropriate practices across Maryland. The Baltimore County Police Department is pleased to be an active participant in the statewide Sexual Assault Evidence Kit Policy and Funding Committee, under the leadership of the Maryland Attorney General’s Office.

The County feels that this legislation could be made stronger with the following amendments in place:

(1) Baltimore County supports the addition of uncodified provisions to require retention of sexual assault evidence collection kits that were collected prior to 2000 and stored by a hospital or child advocacy center, to be retained for 75 years and to be transferred to law enforcement agencies within a specified period or as directed by the Maryland Sexual Assault Evidence Kit Policy and Funding Committee. This should provide support and structure to assist in the processing of this evidence as all possible leads are pursued to seek closure and justice for victims.

(2) The County also supports the addition of uncodified provisions to require and empower the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to issue guidance regarding the use of “do-it-yourself, at-home or other self-administered kits” which are not collected by qualified professionals, including consultation with the Consumer Protection Division of the Office of the Attorney General.

(3) The County has concerns with language being added to the bill that would give “do-it-yourself, at-home or other self-administered kits” which are not collected by qualified professionals the same status as SAKs, or that would require law enforcement agencies to receive or retain such material. If Maryland law were to give these at-home kits the same treatment as SAKs, or require their acceptance by law enforcement agencies, this would convey unwarranted apparent legitimacy to the at-home kits, even though they are not admissible in court. Sellers of such kits could use such statutory provisions to support their marketing.

DNA profiles from these at-home kits are not admissible in court because chain of custody cannot be established, and they cannot be entered into CODIS, which is the FBI’s national DNA database (“The Combined DNA Index System) and is an important resource for solving sexual assault crimes. Any victim who uses one of these at-home kits is deprived of the no-cost opportunity to have evidence professionally collected, and to have that evidence admitted in court, as well as being deprived of the professional and supportive services that are available in conjunction with SAKs.

Accordingly, Baltimore County requests a **FAVORABLE WITH AMENDMENTS** report on SB 789. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.