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*Legislative District 11*  
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,  
and Families

Joint Committee on the Chesapeake  
and Atlantic Coastal Bays Critical Area



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## *The Senate of Maryland*

ANNAPOLIS, MARYLAND 21401

### **TESTIMONY OF SENATOR SHELLY HETTLEMAN**

#### **SB789- SEXUAL ASSAULT EVIDENCE COLLECTION KITS- PRESERVATION AND STORAGE**

Over the past decade, the General Assembly has made significant improvements to the ways in which sexual assault evidence kits (SAEKs) have been handled in Maryland. In 2017, we created a statewide standard for how long rape kits should be preserved. That year, we also created a process where stakeholders could come together through the Sexual Assault Evidence Kit Policy and Funding Committee to take a comprehensive look at how to improve criminal justice and health care policies for sexual assault survivors. SB 789 builds on this progress by ensuring that forensic evidence which has been collected prior to the creation of SAEKs is preserved and protected.

In the 1970's, a forward-thinking OBGYN in Baltimore County named Dr. Rudiger Breiteneker anticipated that one day we would have the technology to analyze DNA, so he collected forensic evidence from sexual assault survivors on slides that are preserved to this day. For almost five decades, this evidence has been in the possession of GBMC hospital. The Baltimore County Police Department and State's Attorney's office have a close working relationship with hospital officials, and with a subpoena, have used this evidence to convict dozens of serial rapists, including one who raped 15 women.

A few of Dr. Breiteneker's colleagues continue to work in this arena and care for these slides and we are grateful for their continued diligence. But we cannot rely on the longevity of this arrangement without putting it into law, ensuring that this evidence - and any other evidence that exists in a similar manner anywhere in the state - is protected and preserved - and treated like a SAEK.

SB 789 defines this evidence as a SAEK, using Department of Justice language, and gives the Sexual Assault Evidence and Funding Committee the authority to develop guidelines on whether and how this type of evidence that existed prior to January 1, 2000 should be handled by law enforcement for testing.

The bill also extends the time from 20 years to 75 years, the amount of time a SAEK must be retained and preserved. SAEKs are easy to store and do not take up very much room as they are flat envelopes. Our methods for storing and preserving the kits have improved greatly and 20 years is not enough time, especially considering the current backlog of kits and the complex, time-consuming legal proceedings and barriers involved in obtaining justice for these crimes.

Our state has no statute of limitations on the crime of rape and sexual assault. The ability to have evidence preserved and stored safely and without risk of being destroyed before it can even be analyzed, is critical to convicting those who commit these crimes and for getting justice for survivors.

The final section of the bill addresses the issue of Do it Yourself (DIY) evidence collections kits that have recently made it to the marketplace. Unfortunately, sexual assault is a highly underreported crime, and many survivors are scared to seek assistance from hospitals and police departments.

The DIY kits provide them with another option. We want to make sure that anyone using a DIY kit is fully educated about the potential risks involved - including that their evidence might not be accepted by our legal system - so we are asking the Consumer Protection Division of the Office of the Attorney General to make recommendations that protect consumers.

SB 789 is about protecting and preserving evidence and improving the ways in which our state delivers justice for citizens who are survivors of sexual assault. I urge a favorable report. Thank you for your consideration.