

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



Governor's Office of Crime Prevention, Youth, and Victim Services
100 Community Pl.
Crownsville, Maryland 21032

March 8, 2023

Chairman William C. Smith, Jr.
Miller Senate Office Building, 2 East Wing
11 Bladen St.
Annapolis, MD 21401

RE: SB615/HB759 Governor's Office of Crime Prevention, Youth, and Victim Services - Sexual Assault Evidence Collection Kit Reporting Program - Support with Amendments

Dear Chairman and Members of the Committee:

The Governor's Office of Crime Prevention, Youth, and Victim Services (Office) supports SB615/HB759 with amendments.

The bill proposes that the Office shall establish and administer a reporting program for tracking the location, status and chain of custody for sexual assault evidence collection kits. The reporting program shall:

- Track the location, status and chain of custody of sexual assault evidence collection kits in the state, receive information relating to the location, status and chain of custody from any law enforcement agency or person with control or possession of a sexual assault evidence collection kit and allow for a victim or a victim's representative to track the location, status and chain of custody of a sexual assault evidence collection kit containing samples taken from the victim.
- The information contained in the reporting system is not open to public inspection.
- This Office may disclose information contained in the reporting system ONLY to: the victim about who the information pertains, a victim's representative for the victim about whom the information pertains, a sexual assault crisis program established under 11-923 of this subtitle, a child advocacy center established under 11-928 of this subtitle, a law enforcement agency, a state's attorney, a person authorized by the Office to receive the information or a person entitled to receive the information by federal law, subpoena, court rule or court order.
- Beginning in October 1, 2023 a law enforcement agency or any person, including a health care provider, forensic laboratory, or state's attorney that has control or possession of a sexual evidence collection kit shall:

- Report location, status, and chain of custody information to the reporting program established under this section in a manner required by the Governor's Office of Crime Prevention, Youth and Victim Services, and comply with all regulations developed by the Office.
- A law enforcement agency or a person, including a health care provider, forensic lab, or state's attorney that had control or possession of a 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 on or before December 31, 2025.

The Office, in consultation with the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, shall adopt any regulations necessary to carry out this section.

Requirements adopted by the Office shall include:

- Requirements for reporting the location and chain of custody of a sexual assault evidence collection kit to the program established by the Office and procedures for disclosing information about sexual assault evidence collection kits included in the reporting program, including disclosure to parties authorized to receive information contained in the reporting system.

The Office is in the RFP review process for the procurement of a Sexual Assault Evidence Kit tracking system. This system will generate reports and track the movement of the evidence through the criminal justice process. SAFE nurses, law enforcement, lab personnel, and State's Attorneys' Offices will have the ability to update the movement and storage of the evidence. Victims will have "view only" capabilities to see the location of their kit. The system will generate reports to comply with this legislation. Staffing within the Office is needed to train users, assist victims with access recovery, and work with the vendor once procured. The only requested amendment to the bill is for an FTE position and salary to fulfill this staffing need.

- Regarding the Rape Kit Testing Fund portion of the bill, this funding already exists and is referred to as the SAKT grant. 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. The only obvious change would be the ability to utilize this funding to test "backlogged" kits with evidence collected prior to May 1, 2018. This is a positive expansion to the use of the funding.
- The SAKT grant was passed with Senate Bill 734 in 2017. This bill states that the Governor's Office of Crime Control and Prevention, now named the Governor's Office of Crime Prevention, Youth, and Victim Services, may award grants to public or private nonprofit organizations to operate the sexual assault crisis programs certified by the federally recognized state sexual assault coalition. The Office shall regularly consult, collaborate with, and consider the recommendations of the federally recognized State sexual assault coalition regarding sexual assault crisis programs and policies, practices, and procedures that impact victims of sexual assault. With this bill came the creation of the MD Sexual Assault Evidence Kit Policy and Funding Committee.

Due to projected increases in staffing needs if the legislation is enacted, we propose the following amendment:

“FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION SUFFICIENT TO FULLY FUND THE REQUIREMENTS OF THE SEXUAL ASSAULT EVIDENCE COLLECTION KIT REPORTING PROGRAM; PROVIDING AT LEAST \$100,000 TO CREATE AND FUND A FULL-TIME POSITION AT THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES TO SUPPORT THE PROVISIONS OF THIS LEGISLATION.”

Sincerely,



Veronica Moulis

Interim Acting Executive Director