



March 8th, 2023

TO: Senate Committee on Judicial Proceedings  
Senator William Smith, Chair  
Jeff Waldstreicher, Vice Chair

FROM: Mateo Cello  
Policy Associate  
The Joyful Heart Foundation

RE: Testimony for Senate Bill 0615—Support

The Joyful Heart Foundation strongly supports S.B.0615 which would require the development of a statewide rape kit tracking system. To date, 30 states and Washington, D.C. have implemented a rape kit tracking system by law. With the passage of this bill, Maryland is poised to join these states in addressing the backlog in a transparent way.

Every 68 seconds, someone is sexually assaulted in the United States. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect DNA evidence left behind in the assault. A doctor or nurse will collect and preserve this evidence in a sexual assault evidence kit, often referred to as a rape kit in a process that often takes four to six hours. Most survivors, after leaving the hospital, are never contacted about the status of their rape kit. In addition, many law enforcement departments across the country have no reliable way of keeping track of rape kits.

Ensuring that survivors and stakeholders in the criminal justice process can know the location and status of collected rape kits will bring transparency to rape kit processing and prevent a backlog from happening again. That is why this piece of legislation is so important. It will create a tracking system to follow the path of a rape kit throughout the chain of custody: from the hospital, to local law enforcement agency, throughout the analysis process at the lab, to final disposition. The bill also mandates all police agencies, medical facilities, and forensic laboratories that handle sexual assault evidence kits to participate in this tracking program.

Though it is possible to implement a tracking system without passing legislation, codifying the system and mandating participation into statute ensures that all the relevant agencies that handle rape kits comply with the law, helping the state achieve a fully-functioning tracking system. We have seen instances in other states that have implemented a tracking system without passing a law. The result is that some law enforcement agencies and/or hospitals do not participate in the system. This defeats the purpose of a tracking system. In addition, establishing the system in statute ensures stability when leadership or priorities shift from year to year.



Most importantly, this bill gives victims the chance to use the system to track their sexual assault kit. As our survivor-focused research shows, giving survivors a choice about how to receive information about their case can help counter the loss of self-determination and control at the core of the sexual assault experience. By implementing a rape kit tracking system with a portal for survivors to check the status of their kit at their convenience, Maryland can give survivors the control they need to heal on their own terms.

Given that March is women's history month, this bill is particularly relevant at this time. We thank you for your efforts on this bill. The Joyful Heart Foundation stands ready to assist you in your efforts to end the backlog in Maryland and bring justice and healing to sexual assault survivors.

Sincerely,

Mateo Cello

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