

Bill Number: SB 789
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 789
SEXUAL ASSAULT EVIDENCE COLLECTION KITS – PRESERVATION AND
STORAGE

I write in support of Senate Bill 789 that will lengthen the amount of time that Sexual Assault Evidence Kits must be preserved. This is a common sense requirement which assures victims of sexual assault that we will always preserve important evidence.

I am the Maryland State's Attorney Representative on the Maryland Sexual Assault Evidence Kit Policy and Funding Committee. Several years ago, Criminal Procedure Article §11-926 was changed to require Sexual Assault Evidence Kits to be retained for 20 years. As time has moved on and DNA testing has become more sophisticated it seems sensible to lengthen the amount of time kits must be saved.

For instance, in 2002 Alphonso Hill was convicted of raping a woman from back in 1983. The case was solved using DNA that had been saved for 19 years. What is more remarkable is Hill was also convicted in 2010 for a rape that occurred in 1989, some 21 years after the rape.

These cases alone make the case for the need to save Sexual Assault Kits for lengthy periods of time.

But let's not forget the longest case. A Goucher student was raped in 1979 and in that case Hill's DNA was matched 3 decades later.

Please remember these kits are not that large (approximately 11.5 x15 inches) and do not require special storage such as freezing or refrigeration. The kits can sit on a shelf in an evidence room for long periods of time.

Additional parts of the Bill assure that evidence collected in sexual assaults which are not kits per se and are not in the hands of law enforcement continue to be preserved. The Bill also provides for the transfer of kits to law enforcement upon request of the holder of the kit.

SB 789 is an update of best practices based upon the science of DNA and making sure victims always have the best evidence available.

I urge a favorable report.