



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 789 with Senate Amendments

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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on Senate Bill 789 with Senate Amendments

Senate Bill 789 – Sexual Assault Evidence Kits – Retention

Senate Bill 789 with sponsor amendments would increase the required retention period for sexual assault evidence kits to 75 years, clarify the definition of a sexual assault evidence collection kit, and stabilize retention and storage of a collection of slides containing evidence of sexual assault.

More than one out of every five (21.3%) adult Maryland women—about 677,596—has been the victim of rape sometime in her lifetime, and approaching half (43.6%) of Maryland's adult women—about 1,387,006—and nearly one quarter (24.8%) of Maryland's adult men—about 740,013—have experienced other forms of sexual violence.^{1,2} Sexual assault forensic examinations (SAFEs) and sexual assault evidence kits (SAEKs) are vital to the investigation and prosecution of these sexual assaults.³

DNA and other evidence recovered from SAEKs are an important tool used to identify perpetrators, prove sexual contact, and corroborate the victim's testimony. The FBI's Combined DNA Index System (CODIS)—a national DNA database populated by samples submitted by participating federal, state, and local forensic laboratories—also uses SAEK evidence to identify serial perpetrators of sexual assault and exonerate innocent people accused of crimes.⁴

¹ National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief. (Numbers adjusted to match current population data.)

² The terms "victim" and "survivor" are both used in this document, and MCASA encourages the use of whichever term is preferred by an individual who has experienced sexual violence. The word "victim" is used in Maryland's crime victim rights statutes and, as a result, is used more frequently in that context.

³ Sexual assault forensic examinations are performed by health care providers trained in forensic examination and evidence collection. Sexual assault evidence kits collect the evidence recovered during the SAFE exam. SAEKs typically include paperwork to document the exam, swabs and glass slides for biological evidence collection, containers for blood and urine samples, evidence bags for clothing and other large pieces of evidence, and envelopes for hair, fibers, and other trace evidence.

⁴ Sexual Assault Evidence Kits in the State of Maryland, Report of the Office of the Attorney General, January 1, 2017.

Most sexual crimes are felonies with no statute of limitations for prosecution; evidence of these crimes should be retained for 75 years. The current retention period of 20 years is insufficient given the statute of limitations.

Self-collected evidence kits. So called “do-it-yourself” rape kits are on the rise. These kits create a host of evidentiary problems and advertisements for the kits may mislead survivors. Nonetheless, when a self-collected kit exists, the evidence should not be destroyed. SB789 requires retention of this evidence. It also directs the SAEK committee and the Attorney General’s Consumer Protection Division to make recommendations regarding these kits.

Senate Bill 789 was developed by the Attorney General’s Sexual Assault Evidence Kit Policy and Funding Committee. This statutorily established, multidisciplinary committee brings together a wide variety of professionals working to improve Maryland’s policies regarding forensic exam kits (often called rape kits). SB789 is part of this Committee’s work and part of creating better responses to survivors of sexual assault.

Senate Amendments: The Senate made minor technical changes to uncodified language clarifying that directions regarding retention of older evidence will be by the Attorney General (replacing language allowing a Committee to issue directions). MCASA urges support for the Senate version of the bill.

**The Maryland Coalition Against Sexual Assault urges
the Judiciary Committee
to report favorably on Senate Bill 789 with Senate Amendments**

#SAKI

Maryland's Sexual Assault Kit Initiative -
Find out what happened to your rape kit.

Call the confidential
SAKI Survivor Information Line:

833-364-0046

Or email:
notification@mcasa.org

MCASA Maryland Coalition Against Sexual Assault SALI Sexual Assault Legal Institute

#SAKI

Iniciativa para el Kit de Abuso Sexual
de Maryland -
Entérese de qué pasó con su kit de violación.

Llame a la Línea confidencial de
SAKI para Información para
Sobrevivientes:

833-364-0046

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