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## TESTIMONY IN SUPPORT, WITH AMENDMENTS, OF SENATE BILL 206

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The Governor's Office of Crime Prevention and Policy (GOCPP) advises the Governor on criminal justice strategies, coordinates across public safety agencies, and allocates resources statewide to support public safety. One of those resources is the Rape Kit Testing Grant, established by §4-401 of the Public Safety Article, to provide law enforcement agencies with funding to pay for the testing of sexual assault evidence collection kits (SAEKs) by forensic laboratories.

This fund is a valuable resource in the State's effort to ensure timely testing of SAEKs and the initiative to clear the current backlog of untested SAEKs that stalled before Maryland strengthened its laws regarding how we test and protect SAEKs. Timely SAEK testing advances justice for victims in sexual assault cases and promotes public safety for all Marylanders. **Senate Bill 206 would increase testing by removing obstacles law enforcement agencies have encountered in taking advantage of the fund and allow grants to support other investigative needs related to SAEKs, efforts to expand survivors' access to care and information about their SAEKs, and costs incurred by GOCPP.**

When tested, the DNA evidence gathered from SAEKs is an important investigative and crime prevention tool. DNA that forensic labs recover from SAEKs can identify unknown assailants, allow law enforcement to connect crimes, and exonerate the wrongfully convicted. In the past, some survivors who chose to undergo the invasive exam required to complete a SAEK learned years later that their evidence was never tested or, worse, destroyed. In the last decade, the Maryland General Assembly passed a set of laws to end that cycle, ensuring timely testing of all kits with few exceptions and providing transparency for survivors. Among those laws were a 30-day deadline for law enforcement to transfer SAEKs to forensic labs for testing; the creation of a tracking system requiring healthcare providers and law enforcement to enter information about the status of kits and allowing survivors to access that information; and a requirement that law enforcement report information about SAEKs collected before the tracking system mandate. These laws rightly limited the time law enforcement had to transfer SAEKs to labs and required additional reporting on future and past cases.

In recognition of the cost of these new requirements, §4-401 of the Public Safety Article established the Rape Kit Testing Grant Fund. This fund is critical to ensure law enforcement agencies have the necessary resources to test SAEKs quickly, strengthening sexual assault investigations and prosecutions, advancing justice for victims in sexual assault cases, and promoting public safety in Maryland.

One of the law enforcement challenges in spending the funding available through this program is lab capacity to increase the rate and volume of testing. Although, under current law, agencies can access this funding to hire personnel, one-year grants are not the preferred funding source for staff because of potential fluctuations in funding year-to-year. Also, some labs rely on outsourcing to supplement their testing capacity. The procurement process takes time, and once outsourced, it typically takes a minimum of 90 days to complete the testing, meaning that the local labs stop submitting kits 90-120 before the end

of the twelve-month grant period. Further, some labs have reported that physical space, or the lack thereof, presents a challenge to testing more SAEKs.

Senate Bill 206 would give GOCPP more flexibility in meeting the needs of law enforcement agencies related to SAEKs. First, it would allow GOCPP to offer multiyear grants to law enforcement agencies, subject to an adequate appropriation each year of the grant term.

Second, with the attached amendments to SB206, any funding remaining after GOCPP determines awards for testing must be made available to support the following:

1. Technological improvements (e.g., software or systems that assist in more efficient lab workflow) and modest enhancements to lab space (e.g., reconfigurations of lab space or temporary trailers expanding the space available to forensic labs);
  - a. Currently outlined in SB206 (e)(2)(i).
  - b. The amended bill clarifies that physical lab improvements must not rise to the level of capital improvements.
2. Efforts to expand access to sexual assault forensic exams (SAFEs) (e.g., FNE training and recruitment, teleSAFE);
  - a. As written, SB206 would allow GOCPP to fund hospitals and nonprofits to pay for recruitment and training of healthcare providers certified to conduct SAFEs (e)(2)(iii) and (e)(2)(4).
  - b. The amendment allows GOCPP, with any funding remaining after making awards to law enforcement for testing needs, to provide funding for a broader set of efforts that will improve access to care for survivors.
3. Notification of victims about the testing of previously untested SAEKs collected before January 1, 2020; and
  - a. This is not currently included in SB206. The amendment allows GOCPP to provide funding to support this effort with any funding remaining after making awards to law enforcement for testing needs.
4. Investigations of crimes involving untested SAEKs collected before January 1, 2020.
  - a. This is not currently included in SB206. The amendment allows GOCPP to provide funding to support this effort with any funding remaining after making awards to law enforcement for testing needs.

Finally, SB206 permits GOCPP to access a portion of the grant fund to offset administrative and operational costs associated with grant management and the SAEK tracking system. The amendments in subsection (f) allow funding for the tracking system only after GOCPP has made award determinations regarding applications for purpose areas one through four above.

**GOCPP requests a favorable report on Senate Bill 206 with the amendments attached to this testimony.**