

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



DOROTHY LENNIG
Executive Director

**Letter of Information
SENATE BILL 669**

Bethany Young, Director of Policy and Legislation
Governor's Office of Crime Prevention and Policy (GOCPP)

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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.

Senate Bill 669 would add the following funding purposes:

- The Office of the Attorney General (OAG) to support law enforcement agency investigations of crimes involving SAEKs collected before October 1, 2020.
- The Maryland Coalition Against Sexual Assault (MCASA) to
 - operate a statewide sexual assault victim notification hotline,
 - pay personnel to provide sexual assault victims with
 - advocacy
 - support
 - information about untested rape kits
 - information about navigating the sexual assault evidence kit tracking system and
 - victims' rights information.
- Support peer-to-peer telehealth programs.

SB669 would require GOCPP to award the same amount (level-fund) to the OAG and MCASA every fiscal year until all SAEKs collected before October 1, 2020, are either tested or determined to be exempt from testing. SB669 would prohibit GOCPP from using the fund to support the SAEK tracking system required by § 11-926.1 of the Criminal Procedure Article.

The Statewide Sexual Assault Kit Initiative

The Rape Kit Testing Grant 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.

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. In recognition of the cost of these new requirements, §4–401 of the Public Safety Article established the Rape Kit Testing Grant Fund to ensure law enforcement agencies have the necessary resources to test SAEKs quickly.

Federal Funding

As part of the interagency collaboration between GOCPP, the Office of the Attorney General, Maryland State Police, and MCASA, GOCPP has applied for two rounds of federal funding to support the statewide effort to eliminate the backlog of untested SAEKs. Currently, the federal award supports testing backlogged kits, cold case investigations led by OAG, procurement and operation of the statewide tracking system required by § 11–926.1 of the Criminal Procedure Article, and victim notification efforts led by MCASA.

Needs-Based Grantmaking

To allow GOCPP flexibility in awarding funding to meet the highest needs and improving the equitable distribution of funds, it has sought to make most funding sources competitive rather than providing level funding. SB669 would require level funding for the OAG and MCASA until all SAEKs collected before October 1, 2020, are either tested or determined to be exempt from testing. This bill provision would limit GOCPP's ability to make awards based on need.

Additionally, if the State loses access to federal funding for this initiative or other public safety efforts in the future, flexibility to make awards based on need will be even more important to GOCPP's work.

The Statewide Tracking System

To this point, federal funding has supported the procurement and maintenance of the tracking system required by § 11–926.1 of the Criminal Procedure Article. Because of supplanting rules, GOCPP has not made State budget requests for the system. If the State were to lose access to federal funding, SB669 would prohibit the use of the Rape Kit Testing Grant Fund to support the system and require the expenditure of additional State funds.