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TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 669 - PUBLIC SAFETY - RAPE KIT TESTING GRANT FUND – ALTERATIONS

For far too long, survivors of sexual assault in Maryland have been promised justice, yet thousands of untested rape kits remain locked away—evidence of a system that has yet to keep its word. These kits containing crucial forensic evidence play a critical role in identifying perpetrators and securing convictions. Yet without timely testing, justice is delayed. With thousands of kits still untested, along with uncertainties in federal funding sources, the future of addressing this backlog is unstable. Without action and a sustainable financial framework to continue services, persistent delays are all but guaranteed and survivors will continue to be denied the justice that they deserve. SB 669 seeks to enhance the effectiveness of sexual assault investigations, provide comprehensive support to survivors across Maryland, and address the backlog of untested sexual assault kits.

Federal Funding

The federal Sexual Assault Kit Initiative (SAKI) is a program established to address the nationwide backlog of unsubmitted sexual assault kits (SAKs) by providing funding for testing, inventory, and investigation of the kits. Maryland has been awarded two SAKI grants:

- In 2018, Maryland was awarded \$2.6 million to conduct a statewide inventory of unsubmitted SAKs, test a portion of these kits, establish a tracking system, and provide victim services.
- In 2021, the state received an additional \$2.5 million to continue testing kits, maintain any victim services, and hire investigators.

Maryland must apply for the federal funding; however, it is not guaranteed. There were significant challenges with spending the first grant, and Maryland was advised that if the 2021 funding is not fully expended by September 30, 2025, this would significantly jeopardize the State's ability to seek future federal funding. As of February 2025, approximately \$1.9 million from the 2021 grant remains available.

Rape Kit Testing Grant

To supplement these federal resources, in 2019, Maryland General Assembly enacted a bill I introduced that established a Rape Kit Testing Grant to support law enforcement agencies. However, gaps still remain. The Rape Kit Testing Grant, established by §4-401 of the Public Safety Article, provides law enforcement agencies with funding to pay for the testing of sexual assault evidence collection kits (SAEKs) by forensic laboratories. The Governor's FY26 budget includes a full appropriation of \$3.5 million for the Rape Kit Testing Grant

Program, consistent with funding levels from previous years. The budget also, however, proposes that a transfer of \$4 million in unawarded money from past years to the General Fund, which may have implications for the availability of resources dedicated to supporting survivors and processing sexual assault evidence.

What has been done so far?

While Maryland has made significant progress in addressing the backlog of untested sexual assault kits, critical gaps remain. There have been recent efforts through the Maryland Track-Kit Program to enhance transparency of the progress that has been made. The program, which has been operational since May 2024, has revealed:

- 1074 kits have been entered into the system
- 107 law enforcement agencies, 26 hospitals, & 7 labs are using the program
- 259 survivors have logged in 1805 times

However, the tracking system for the backlog is not yet available, and therefore, the exact number of kits in the 1981-2018 backlog is still unknown. However, we do know that there are still thousands of untested kits, each representing a victim who has not yet received the justice that they deserve.

What would SB 669 do?

This bill protects important efforts currently underway. It broadens the use of the Rape Kit Testing Grant Fund to enable the Office of the Attorney General and MCASA to continue the very important work they are doing right now under the SAKI grant. As a result of efforts to ensure that we are spending down the federal funds for testing, we may be in a situation where we do not have enough funding to provide for the victim notification and support or to enable the OAG investigators to do the essential law enforcement work to investigate crimes. Funds would be permitted to:

- **Support law enforcement agency investigations of crimes involving SAEKs collected before October 1, 2021.** This ensures that older kits are actively investigated, improving the chances of justice for survivors.
- **Allocate funding to the Maryland Coalition Against Sexual Assault (MCASA).** These funds would be used to operate a statewide sexual assault victim notification hotline, as well as pay personnel to provide survivor advocacy and support services and information about kit tracking.
- **Support peer-to-peer telehealth programs.** This enhances the provisions in place to assist victim access to essential services following sexual assault. This will expand access to forensic exams and reduce burdens on survivors.
- **Prohibit GOCPP from using the fund to support the SAEK tracking system required by § 11–926.1 of the Criminal Procedure Article.** This ensures that the funds are strictly allocated for testing and survivor support, rather than administrative and operational functions of tracking that already have another dedicated source of funding.

In Maryland, we have failed our survivors for too long by allowing for a backlog of rape kits to remain untested. Proactive state legislation like SB 669 is crucial to maintain momentum in addressing untested sexual assault kits and supporting survivors, irrespective of federal funding uncertainties. It is our responsibility to fulfil our promise to these survivors by testing kits in a timely manner and ensuring support through essential services. Justice delayed is justice denied, and therefore, I urge a favorable report on SB 669.