

Maryland State Police Position Paper for SB0206.pd

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Position: FAV



State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 14, 2025

BILL NUMBER: Senate Bill 206 **POSITION:** Support

BILL TITLE: Public Safety – Rape Kit Collections, Testing, and Tracking Grant Fund - Alterations

REVIEW AND ANALYSIS

This legislation seeks to amend the name, purpose and use of the Rape Kit Testing Grant Fund by expanding the Fund to cover use of equipment, supplies, personnel and the outsourcing necessary to test sexual assault evidence collection kits collected before or after the establishment of the Fund. In addition, the Governor’s Office of Crime Prevention and Policy (GOCPP) may use 5% of the Fund to manage the Fund.

Under current law, the Rape Kit Testing Grant Fund provides law enforcement agencies with funding to pay for testing of sexual assault evidence kits collected by forensic laboratories. The Fund is used by the Forensic laboratory to perform forensic analysis. The Executive Director of The GOCPP administers the Fund, establishes procedures for the distribution of the Fund to ensure each jurisdiction in the State that has a forensic laboratory is able to access the Fund for testing.

Senate Bill 206 allows for the grant funds to be utilize over multiple years. By expanding use and access to the Fund to include hospitals, nonprofit organizations, and other government agencies who currently support efforts to enter sexual assault evidence testing and collection kits into the reporting program under the 11-926.1 of The Criminal Procedure Article. It will make the testing, collection, and use of the grant more efficient.

Testing sexual assault kits is a vital step in providing justice for survivors of sexual assault. Supporting rape kit testing demonstrates a commitment to the rights and dignity of survivors. The testing and collection of these kits are essential for ensuring justice and preventing future crimes and supporting the right of sexual assault survivors. It is understood that there have been and continue to be many conversations regarding the issues addressed in the bill. The Maryland State Police support efforts that will move the work central to the grant forward.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 206 a favorable report.

SB206 _ HB58 GOCPP Amendments (Jan 10).pdf

Uploaded by: Bethany Young

Position: FWA

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Departmental
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Checked by _____

By: **Leave Blank (By Request – Departmental – Office of Crime Prevention and Policy)**

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Rape Kit Collection, Testing, and Tracking Grant Fund**
3 **– Alterations**

4 FOR the purpose of altering the name, purpose, and use of the Rape Kit Testing Grant
5 Fund; and generally relating to the Rape Kit Collection, Testing, and Tracking Grant
6 Fund.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 4–401
10 Annotated Code of Maryland
11 (2022 Replacement Volume and 2024 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Public Safety**

15 4–401.

16 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) “Forensic laboratory” means a facility, an entity, or a site that offers or
2 performs forensic analysis and is owned or operated by the State, a county or municipal
3 corporation in the State, or another governmental entity.

4 (3) “Fund” means the Rape Kit ~~COLLECTION, Testing, AND TRACKING~~
5 Grant Fund.

6 (4) “Law enforcement agency” means the Department of State Police or a
7 police department of a county or municipal corporation in the State.

8 **(5) “RN-FNE” MEANS A REGISTERED NURSE – FORENSIC NURSE**
9 **EXAMINER CERTIFIED BY THE STATE BOARD OF NURSING.**

10 (b) There is a Rape Kit ~~COLLECTION, Testing, AND TRACKING~~ Grant Fund.

11 (c) **(1)** The purpose of the Fund is to provide law enforcement agencies with
12 **MULTIYEAR** funding to pay for testing of sexual assault evidence collection kits ~~by forensic~~
13 ~~laboratories~~.

14 **(2) THE FUND MAY BE USED FOR EQUIPMENT, SUPPLIES,**
15 **PERSONNEL, AND OUTSOURCING NECESSARY TO TEST SEXUAL ASSAULT EVIDENCE**
16 **COLLECTION KITS COLLECTED BEFORE OR AFTER THE ESTABLISHMENT OF THE**
17 **FUND.**

18 (d) The Executive Director of the Governor’s Office of Crime Prevention and
19 Policy shall:

20 (1) administer the Fund;

21 (2) establish and publish procedures for the distribution of funding to [law
22 enforcement agencies] **ELIGIBLE RECIPIENTS OF THE FUND;**

23 (3) ensure each jurisdiction in the State that has a forensic laboratory is
24 able to access the Fund;

25 (4) consider the number of sexual assault incidents that were investigated
26 by a law enforcement agency in the prior fiscal year when distributing funding; and

1 (5) submit a report with information on the distribution of funding to the
2 General Assembly, in accordance with § 2–1257 of the State Government Article, before
3 [September] **OCTOBER** 1 each year.

4 (e) (1) **THE GOVERNOR’S OFFICE OF CRIME PREVENTION AND POLICY**
5 **MAY USE UP TO 5% OF THE FUND FOR ADMINISTRATIVE PURPOSES.**

6 (2) ~~AFTER DISTRIBUTING FUNDING TO PAY FOR TESTING, THE~~ ^{awarding under subsection (c)}
7 **GOVERNOR’S OFFICE OF CRIME PREVENTION AND POLICY** ^{shall} ~~MAY PROVIDE GRANTS~~
8 ~~TO:~~ ^{award remaining funds to support:}

9 (I) ~~LAW ENFORCEMENT AGENCIES TO FUND AN INCREASE IN~~
10 **THE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TESTING CAPACITY OF** ^{forensic}
11 **LABORATORIES, INCLUDING TECHNOLOGICAL AND, SUBJECT TO TITLE 3, SUBTITLE**
12 ~~6 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,~~ **PHYSICAL**
13 **IMPROVEMENTS;** ^{that do not rise to the level of capital improvements,}

14 (II) ~~SUPPORT EFFORTS TO ENTER SEXUAL ASSAULT EVIDENCE~~
15 ~~COLLECTION KITS INTO THE REPORTING PROGRAM UNDER § 11-926.1 OF~~
16 ~~THE CRIMINAL PROCEDURE ARTICLE;~~ ^{(1) notifications of victims and investigations of crimes associated with}
^{untested sexual assault evidence kits collected before January 1, 2020.}
^{(2) Funds distributed under this paragraph may be reduced if there is a federal sexual assault kit initiative}
^{award or a State appropriation for the same purposes. (3) This paragraph will remain in effect until the State}
^{sexual assault kit backlog is eliminated and all related investigations and notifications completed.}

17 (III) ~~HOSPITALS FOR THE HIRING OF RN-FNE POSITIONS; AND~~ ^{Efforts to}
18 ^{expand access to sexual assault forensic exams.}

19 (IV) ~~HOSPITALS OR NONPROFIT ORGANIZATIONS TO PAY FOR~~
20 ~~TRAINING, TRAINING MATERIALS, AND OTHER RESOURCES REQUIRED FOR THE~~
21 ~~RN-FNE CERTIFICATION.~~

^{(f) After distributing funds under subsection (e)(2) and if there is no state appropriation or federal sexual assault kit initiative award for the same purpose, the Governor's Office of Crime Prevention and Policy may use remaining funds to support the reporting program required under § 11–926.1 of the Criminal Procedure Article.}

21 (G) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
22 the State Finance and Procurement Article.

23 (2) The State Treasurer shall hold the Fund separately, and the
24 Comptroller shall account for the Fund.

25 [(f)] (H) The Fund consists of:

26 (1) money appropriated in the State budget to the Fund;

1 (2) any interest earnings of the Fund; and

2 (3) any other money from any other source accepted for the benefit of the
3 Fund.

4 [(g) (1) The Fund may be used only for equipment, supplies, personnel, and
5 outsourcing necessary for the testing of sexual assault evidence collection kits in forensic
6 laboratories.

7 (2) Subject to paragraph (1) of this subsection, the Fund may be used for
8 equipment, supplies, personnel, and outsourcing necessary for the testing of sexual assault
9 evidence collection kits collected before or after the establishment of the Fund.]

10 [(h) (i) (1) The State Treasurer shall invest the money of the Fund in the same
11 manner as other State money may be invested.

12 (2) Any interest earnings of the Fund, including interest earnings under
13 subsection [(f)] ~~(g)~~ (h) of this section, shall be credited to the Fund.

14 (i) Expenditures from the Fund may be made only in accordance with the State
15 budget.

16 (j) Money expended from the Fund for testing of sexual assault evidence
17 collection kits is supplemental to and is not intended to take the place of funding that
18 otherwise would be appropriated for testing of sexual assault evidence collection kits.

19 July SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2025.

SB206 _ HB58 GOCPP Written Testimony.pdf

Uploaded by: Bethany Young

Position: FWA

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



DOROTHY LENNIG
Executive Director

TESTIMONY IN SUPPORT, WITH AMENDMENTS, OF SENATE BILL 206

January 14, 2025

Bethany Young, Director of Policy and Legislation

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.

NPAM letter of Support HB058 SB206 with Ammendmen

Uploaded by: Malinda Duke

Position: FWA



January 10, 2025

Bill: HB 058, SB 206 Rape Kit Collection, Testing, and Tracking Grant Fund – Alterations

Position: Support with Amendments

On behalf of the Nurse Practitioner Association of Maryland (NPAM), representing over 850 members and the 8000 Nurse Practitioners that practice in Maryland, we submit the following concerns regarding language in HB 058, SB 206 Rape Kit Collection, Testing, and Tracking Grant Fund – Alterations. It is the position of NPAM to support this bill with amendments.

The language in the existing proposal limits the collection of the Sexual Assault Examination Kit (SAEK) to only Forensic Nurse Examiners (Registered Nurses who have completed additional education and training to meet the criteria set forth by the Maryland Board of Nursing to be certified as Forensic Nurse Examiners in Pediatric, Adult, or both populations). However, providers who have completed additional education and training in Forensic Examination including: Physicians, Advanced Practice Nurses, Physician Assistants, and Registered Nurses under the direct supervision of the Forensic Nurse Examiner (FNE) currently collect SAEK and should be included in the language of this bill.

The Nurse Practitioner Association of Maryland is in full support of the intent of this bill to support and promote forensic examination and sexual assault examination kits collected to secure kit processing by the State of Maryland as well as to support the use of funds collected to promote the financial support needed to increase the availability of Forensic Nurse Examiners in the State of Maryland. Rural populations in particular need this resource. Telehealth options that include the remote visual supervision of the Registered Nurse collecting the SAEK by the FNE will increase access to specimen/evidence collection toward successful prosecution of suspects who are subsequently convicted of their crimes in locations where there is not an FNE available.

We respectfully request you support this bill with our suggested amendments. If you have any questions, please contact me at NPAMexecdir@gmail.com.

Sincerely,

Malinda D. Duke CRNP-PC

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SAK - senate testimony - 2025 - SB206 INFO.pdf

Uploaded by: Lisae C Jordan

Position: INFO



Working to end sexual violence in Maryland

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Testimony Regarding Senate Bill 206
Lisae C. Jordan, Executive Director & Counsel
January 14, 2025

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 appreciate the Governor's Office of Crime Prevention & Policy's continued attention and work on improving Maryland's response to sexual assault, including on providing sexual assault forensic exams, ensuring rape kit testing, and supporting survivors.

Senate Bill 206 would alter the current Rape Kit Testing Grant Fund.

Our concern is this: Maryland has made a promise to sexual assault survivors to address the back log of untested and unsubmitted rape kits with its SAKI project (Sexual Assault Kit Initiative). There are still **thousands** of untested kits in the state, each one of them reflecting the experience of a human being who was sexually violated and underwent an exam in hopes of someday seeking justice. Federal funds currently support the Sexual Assault Kit Initiative. These funds support not only testing, but also investigation, and – importantly – victim notification and support. Funds will end in September 2025 and renewal is possible, but uncertain.

Senator Shelly Hettleman and Vice Chair Sandy Bartlett have legislation in drafting to ensure the SAKI project continues as a priority under the Rape Kit Grant Fund IF there is no further federal support and IF the General Assembly chooses to continue the state Rape Kit Fund. MCASA respectfully asks the Committee to delay consideration of Senate Bill 206 until the other legislation is filed and heard, and to consider the language in both bills. The Governor's Office of Crime Prevention & Policy had discussions with legislators and with MCASA regarding suggested changes to their bill, however, we have not seen final language. The current bill runs the risk of exchanging Maryland's backlog of untested kits for a backlog of tested kits which are sitting waiting for investigation and victim notification.

Please know that survivors with untested rape kits can reach out to the
SAKI Hotline at: **833-364-0046** or **notification@mcasa.org**