

SB 669 Public Safety - Rape Kit Testing Grant Fund

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: Senate Bill 669
TITLE: Public Safety - Rape Kit Testing Grant Fund – Alterations
COMMITTEE: Judicial Proceedings
HEARING DATE: March 4, 2025
POSITION: **SUPPORT**

The Women's Law Center of Maryland is dedicated to ensuring the physical safety, economic security, and bodily autonomy of women throughout the state. We fully support any and all measures aimed at addressing the needs of survivors of rape and sexual assault and as such urge a favorable support for Senate Bill 0669.

Rape is on the rise in Maryland. FBI data gathered by the Maryland Coalition Against Sexual Assault (MCASA) found over a 15% increase in reporting from 2021 to 2022. One out of every four Maryland women — about 664,454 — has been the victim of rape sometime in her lifetime, and half — about 1,180,150 — as well as more than one third of Maryland's men— about 722,571—have experienced other forms of sexual violence. According to the National Institute of Justice, approximately 68% of women in abusive relationships are also sexually assaulted during the course of the relationship.

Sexual assault forensic examinations (SAFEs) and sexual assault evidence kits (SAEKs) are vital to the investigation and prosecution of these sexual assaults. Testing kits have multiple benefits beyond simply identification. Kit analysis can help link crimes together, identify serial rapists, confirm a victim's report, and exonerate an innocent suspect. However, due to funding concerns and other variables, Maryland has backlog of an unknown number of rape kits. Original inventories of untested kits found over 6000 in evidence, with additional SAEKs having been found since then, increasing the inventory.

SB 0669 will ensure that Maryland's Sexual Assault Kit Initiative (SAKI) receives continued support until the rape kit backlog – including SAEKs collected prior to October 1, 2020 – is cleared. It will also assuage anxieties caused by recent federal funding cuts by amending the Rape Kit Testing Fund to fund existing investigative and victim notification if federal funds are not received. SB 0669 expands the purposes of the fund to include support for the Peer-to-Peer TeleSAFE project that allows a qualified health care provider with the survivor in one location to consult with a forensic nurse examiner in another location to provide a SAFE. This will expand access to exams and reduce burdens on survivors. SB 0669 will ensure that Maryland fulfills its promise to survivors to not only remove long-standing structural obstacles for forensic exams, but also test the rape kit backlog, investigate cases, consider prosecution, and support survivors.

Behind each and every kit is a sexual assault survivor who submitted to a long and invasive exam after being intimately assaulted. Their choice can help keep our communities safer and take sex offenders off the streets – but only if the kits are tested and cases investigated. It is clear that coordinated community efforts are the best way to stop violence against women and hold offenders accountable for their crimes. This includes addressing the forensic needs that will aid law enforcement and prosecutors.

For the above reasons, the Women's Law Center of Maryland strongly urges a favorable report for SB 0669.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

SB 669-Public Safety - Rape Kit Testing Grant Fund

Uploaded by: Jane Krienke

Position: FAV



Maryland
Hospital Association

Senate Bill 669- Public Safety - Rape Kit Testing Grant Fund - Alterations

Position: *Support*

March 3, 2025

Senate Judicial Proceedings Committee

MHA Position

On behalf of the Maryland Hospital Association’s (MHA) member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 669.

Hospital-based sexual assault forensic exam ([SAFE](#)) programs employ forensic nurse examiners (FNEs)—registered nurses who receive special training in evidence collection—to care for survivors of various types of violence, abuse, and neglect. FNEs are experts in delivering trauma-informed care. State law ensures survivors of sexual assault have access to emergency medical treatment for their injuries with no out-of-pocket expense.

Many SAFE programs rely on grant funding to support their staffing and infrastructure costs. As a result, programs can face staffing challenges where they are unable to provide 24/7/365 coverage, especially in rural or less populated areas of the state. As required by state law, (Health General 19-310.2), all hospitals have a protocol in place to ensure survivors of sexual assault have timely access to an exam. However, this can result in survivors being transferred to another hospital to receive a SAFE.

In 2024, SB 950 was signed into law to study and make recommendations on the feasibility of a telehealth program including a TeleSAFE Pilot Program to expand access to sexual assault forensic services. The law also created a definition of peer-to-peer telehealth, which includes “the performance of a forensic examination, the use of interactive audio, video, or other telecommunications or electronic technology by a forensic nurse examiner to assist in the performance of a forensic examination when the forensic nurse examiner is in one location and the patient is with a qualified health care provider in another location.”

SB 669 expands the eligible uses of the Rape Kit Testing Grant Fund to include support for peer-to-peer telehealth. Allowing hospitals to tap into this fund for workforce and infrastructure needs to support the establishment of peer-to-peer telehealth services, can help support the existing forensic nursing workforce. TeleSAFE services can be helpful during case consultations, in-exam support, as well as assisting in training and simulation exercises for new to practice FNEs. TeleSAFE could also be valuable for helping answer patient queries, offering more information regarding the exam process and other resources, and helping newly trained or inexperienced FNEs feel more competent performing SAFEs.

Many Maryland hospitals rely on federal funding to support their workforce and infrastructure needs. In a time when access to future federal funding is uncertain, SB 669 offers an important expansion of the eligibility criteria that allows hospitals to tap into these funds. Supporting hospital SAFE programs and the FNE workforce is critical to ensure access to care for survivors of sexual assault and other forms of violence, abuse, and neglect across the state.

For these reasons, we request a favorable report on SB 669.

For more information, please contact:
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Jkrienke@mhaonline.org

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Position: FAV



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For these reasons, we request a favorable report on SB 669.

For more information, please contact:
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SAK - fund SAKI and TeleSAFE - testimony - senate

Uploaded by: Lisae C Jordan

Position: FAV



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Testimony Supporting Senate Bill 669
Lisae C. Jordan, Executive Director & Counsel
Laura Jessick, Sexual Assault Kit Initiative Manager
March 4, 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 urge the Judicial Proceedings Committee to report favorably on Senate Bill 669

Senate Bill 669 – Rape Kit Testing – Backstop for SAKI Project, Adding TeleSAFE

Senate Bill 669 modifies an existing grant program that assists with the cost of analyzing sexual assault evidence collection kits (often called rape kits) by adding “backstop” provisions to continue testing Maryland’s rape kit backlog if (and only if) federal funds are not renewed. It also adds funding for TeleSAFE as a purpose funds can be used for.

A Sexual Assault Survivor is Represented by Every Sexual Assault Evidence Kit

As the Committee considers this bill, funding, numbers of kits, and bureaucracy, MCASA urges each member to keep survivors at the top of their minds. Behind each and every kit is a sexual assault survivor who submitted to a long and invasive exam after being intimately assaulted. Their choice can help keep our communities safer and take sex offenders off the streets – but only if the kits are tested and cases investigated.

Maryland Continues to Have a Backlog of Untested Rape Kits

Maryland has backlog of an unknown number of rape kits. Original inventories of untested kits found over 6000 kits. Additional have been found since then, increasing the inventory. Approximately 867 kits have been tested with federal funds with an additional 278 in process as of December 2024. Other kits have also been tested but it is unclear how many or what the net result of this is. A tracking system was mandated by the General Assembly and historical kits must be entered by December 31, 2025. This will, hopefully, identify all untested kits.

Federal SAKI Grants Have Helped Reduce Maryland’s Backlog

Maryland was awarded two SAKI (Sexual Assault Kit Initiative) grants, one in 2018 and the other in 2021. There were significant challenges with the first grant, and Maryland was advised that if the 2021 funding is not fully expended by September 30, 2025, this would significantly hamper the State’s ability to seek future federal funding.

The SAKI project includes not only kit analysis, but also 2 investigators employed by the Attorney General's Office (about \$200,000 annually), and a Victim Notification Team and outreach (about \$230,000 annually). Contractors are also retained by the Maryland State Police and supplement their staff, however this staff can currently be covered by the Fund.

Maryland Must Apply for Additional Federal Funding in 2025

SB669 Continues Work on the Backlog IF Federal Funds are Not Awarded

MCASA is hopeful that additional federal funds will be awarded to complete testing of the State's backlog of rape kits, support survivors, and prosecute offenders. This is not a given, however, and SB669 creates a plan to continue the SAKI project to test the backlog, assist with investigation, and notify and support survivors.

Maryland Should Fulfill Its Promise to Survivors

Maryland failed survivors by allowing a backlog of over 6000 rape kits to develop. It is working to repair this failure and not only test kits, but also investigate cases, prosecute when appropriate and support survivors throughout.

If the state does not act, it could fail again. In an effort to expend federal funds, kits are being tested without the usual front-end investigation. This means the investigation must be completed after testing. If the SAKI project doesn't continue, Maryland will end up with both the remaining untested kit backlog and a new backlog of tested but uninvestigated kits that survivors know nothing about.

SB669 is Survivor-Centered and Supports Ending the Backlog and Increasing Exams

This bill will require continued funding of the parts of the SAKI project that are not currently eligible for the state Rape Kit Testing Fund IF:

- The federal funds are not continued;
- The state allocates money to the Rape Kit Testing Fund; and
- There are untested kits collected prior to the mandate to test all kits.

The entire cost of continued funding is under \$500,000. The Fund has \$3.5million allocated to it in the proposed budget books. We have been advised that there is more than \$4m unexpended in the fund. The Governor has proposed taking some funds for other uses, however the legislature has not yet decided this; if the Fund is wiped out, noting in this bill mandate funding for anything. Additionally SB669 does not create ongoing funding, it ends once the backlog is cleared.

Increased Access to Exams

SB669 also expands the purposes of the fund to include **support for the Peer-to-Peer TeleSAFE project** the General Assembly created last session. TeleSAFE will allow a qualified health care provider with the survivor in one location to consult with a forensic nurse examiner in another location to provide a SAFE. This will expand access to exams and reduce burdens on survivors. MCASA strongly encourages this expansion to help improve a long-standing structural obstacle to survivors seeking forensic exams.

Sponsor Amendments: MCASA fully supports proposed sponsor amendments clarifying that current work under the fund will continue (deleting brackets on lines 25 and 27), retaining language permitting expenditures on new purposes, and authorizing grants of up to 36 months.

**The Maryland Coalition Against Sexual Assault urges
the Judicial Proceedings Committee
to report favorably on Senate Bill 669**

SB669_Hettleman_FAV.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
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Chair, Rules Committee
Budget and Taxation Committee

Subcommittees
Capital Budget
Health and Human Services
Chair, Pensions

Joint Committees
Senate Chair, Audit and Evaluation
Senate Chair, Pensions



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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.

MCPA-MSA_SB 669-Rape Kit Testing- Alterations-SUPP

Uploaded by: Andrea Mansfield

Position: FWA



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 11, 2025

RE: **HB 675 – Public Safety – Rape Kit Testing Grant Fund - Alterations**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 675 WITH AMENDMENTS**. This bill expands the uses of the Sexual Assault Kit Testing Grant Program

The Sexual Assault Kit Testing Grant Program was established through HB 1268, CH. 508, Acts of 2019. The purpose is to provide grant funding to the Maryland State Police (MSP) and local law enforcement to pay for the testing of sexual assault evidence collection kits by forensic laboratories.

MCPA and MSA understand the importance of testing rape kits and appreciates the grant program to ensure resources are available to do so. This is a very important function of our forensic laboratories, and it should be carried out with a sense of urgency.

HB 675 incorporates additional purposes for the use of the fund. It would provide funding to the Office of the Attorney General to assist law enforcement agency investigations of crimes involving sexual assault evidence collection kits that were collected before October 1, 2020; and provide funding for a statewide sexual assault victim notification hotline and related personnel.

MCPA and MSA does not dispute the addition of these purposes, but is concerned these purposes could divert funding from the original intent of the fund - to provide grant funding to the Maryland State Police and local law enforcement to pay for the testing of sexual assault evidence collection kits by forensic laboratories.

Further, HB 675, as introduced, removed language that authorized the fund to be used for equipment, supplies, personnel, and outsourcing necessary for the testing of the kits. MCPA and MSA appreciates the sponsor amendments to allow funds to still be used for this purpose and to extend the timeframe for the grants to address operational issues.

MCPA and MSA still have concerns with the possibility of funds being diverted from the original purpose of the fund. To address this, MCPA and MSA proposes two options. One, amend HB 675 to place funding priority on the original purposes and uses of the fund. Or, amend to ensure funds distributed

to the purposes of the fund outlined in subsection (C) are not less than what was received in the prior fiscal year.

MCPA and MSA have been having conversations with the sponsor and interested stakeholders and looks forward to continuing these conversations on amendments.

For these reasons, MCPA and MSA **SUPPORT HB 675 WITH AMENDMENTS** and urge a **FAVORABLE** Committee report as amended.

Option 1

On page 3, following (5) in line 3 insert “AFTER DISTRIBUTING FUNDING TO PAY FOR TESTING AS SPECIFIED IN SUBSECTION (C) (1) OF THE SECTION, THE GOVERNOR’S OFFICE OF CRIME PREVENTION AND POLICY MAY PROVIDE GRANTS TO:”

Option 2

On page 3, following line 2, insert

“(5) FUNDS PROVIDED FOR THE PURPOSE IN ACCORDANCE WITH SUBSECTION (C)(1) SHALL NOT BE LESS THAN WHAT WAS RECEIVED IN THE PRIOR FISCAL YEAR.”

SB669_FWA.pdf

Uploaded by: Carisa Hatfield

Position: FWA



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Chief Deputy Attorney General

LEONARD J. HOWIE III
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Assistant Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

February 28, 2025

TO: The Honorable William C. Smith
Chair, Judicial Proceedings Committee

FROM: Carisa A. Hatfield, Esq.
Assistant Attorney General
Counsel, Maryland Sexual Assault Evidence Kit Policy and Funding
Committee

RE: HB669 - Public Safety - Rape Kit Testing Grant Fund - Alterations

The Office of the Attorney General (OAG), on behalf of the Maryland Sexual Assault Evidence Kit (SAEK) Policy and Funding Committee, urges a favorable report with the sponsor amendments of Senate Bill 669.

By way of background, the SAEK Policy and Funding Committee was created by the General Assembly in 2017 to create effective statewide policies regarding the collection, testing, and retention of medical forensic evidence in sexual assault cases and increase access to justice for sexual assault victims. This includes working with forensic nurse examiners (FNEs), Maryland State Police, and other law enforcement agencies across the State of Maryland to ensure the proper collection, testing, and retention of sexual assault evidence kits (SAEKs) and the uploading of collected samples against collected DNA samples into the Combined DNA Index System (CODIS) in an attempt to obtain a DNA hit. The SAEK Committee first received federal funding in 2018 through the Sexual Assault Kit Initiative (SAKI) grant to assist with the inventory and testing of SAEKs with a collection date of May 1, 2018, and prior. The inventory identified over 6,000 untested SAEKs across the State of Maryland. The SAEK Committee spoke with these law enforcement agencies and while most identified that they would want to assist in the effort to test, investigate, and prosecute sexual assault cases, they did not have the

resources and manpower to continue investigating active cases and cold cases. As a result of this feedback, the OAG, in conjunction with its partners, applied for additional SAKI funds for FY2021. Pursuant to the FY2021 grant funding, OAG conducted a hiring process and ultimately hired two contractual CODIS Hit/Cold Case Investigators to help law enforcement agencies conduct investigations associated with previously untested SAEKs. The first two investigators on the team were hired in July of 2023 with a two-person supervision team: The OAG's Chief of Investigations in the Criminal Division and SAEK Committee Counsel. This is the structure that continues for the team today.

Over the course of less than two years, the team has worked to build a relationship with local law enforcement agencies and offer them investigative support. As of February 7, 2025, the team has met with 24 agencies and collected 436 case files across these agencies. The investigators review case information, identify cases appropriate for testing, and assist agencies with completing the appropriate paperwork to send these cases for testing through the state's third-party laboratory partner, Bode Technology Group. So far, the investigators have assisted in the submission of 140 kits for testing. In addition to these 436 case files already collected, our team is picking up another 267 files from five agencies in the next two weeks. This does not include another 95 cases where assistance has been requested from the Prince George's County Police Department. The OAG team has already worked with PGPD on these cases to collect suspect samples and interview victims. These agencies trust that the OAG team will provide them with accurate, timely information on their cases and will ensure that all kits that result in a CODIS hit after testing are investigated to the fullest extent. Our investigators report that when they arrive to assist, agencies have expressed what a "stress reliever" it is to have our investigators' support because these agencies are so short-handed in terms of resources and staff.

While the team has been working to ensure quality services for agencies across the state for the past two years, there are roadblocks to continuing the work. One challenge the team has faced and continues to face is staff turnover. Neither of the team's two original investigators are still with the unit; both left for jobs with stable funding and benefits. Our remaining investigator, who was hired in May of 2024, is now handling all case review and administration for the 436 files currently in the OAG's possession. She has some support temporarily in agency site visits and day-to-day investigative decisions from the Chief of Investigations, but it is not a sustainable model long term. The hiring process for a second investigator is ongoing, but there are challenges to hiring with a federal grant-funded position. The new administration in Washington and the proposed federal funding freeze at the federal level have created questions about the future of the grant project in its entirety. The office is working to try and secure funds in the event that the SAKI project is defunded, but having the opportunity apply for funds through the Rape Kit Testing Grant Fund would ensure that, at minimum, we could maintain our staff as it is. SB669 would ensure that the cases we have begun work on would not sit idle, and that

victims whose cases are now being tested as a result of our team's work will have the opportunity to achieve justice.

SB669 would also grant our team an opportunity to consider expansion in the future. While our team has done great work, a two-person investigative team may not be able to handle the investigation of all cases where a CODIS hit is found. If just 20% of the 798 cases that will be in the OAG's possession by the end of February sustain a CODIS hit, two investigators will be tasked with a caseload of almost 80 cases apiece. According to audits conducted by law enforcement agencies in Portland, Oregon and Charlotte County, Florida, the average caseload for a major crimes detective should be anywhere between 4.5-8 cases per month, with each agency identifying that detectives should aim to have no more than 54-72 cases in an entire year.¹ This may require the expansion of the current team, and having guaranteed funding through the state would allow the OAG to appropriately assign caseloads and maintain its standards of excellence in investigation.

While the OAG and the SAEK Committee cannot overstate the importance of testing SAEKs, and have committed to ensuring that testing of SAEKs continues, the work cannot continue without both victim services and investigative support. The federal SAKI grant, which currently supports all these projects, affirms this in its statements to the public: "The initiative . . . represents a model program for eliminating backlogs of unsubmitted SAKs in law enforcement, while also creating long-term sustainability in state and local jurisdictions for addressing sexual assault and other violent crime."² It is meant to be used to "[p]rovide resources to address the cold case sexual assault investigations and prosecutions that result from evidence and Combined DNA Index System (CODIS) hits produced by tested SAKs," and "[o]ptimize victim notification protocols and services" in addition to providing funding for testing.³ All of these services must exist together in order to provide the most comprehensive version of justice to victims and safety to our communities.

For this reason, the OAG supports SB669 with the sponsor amendments.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

¹ https://evawintl.org/best_practice_faqs/law-enforcement-caseloads/

² <https://bjaojp.gov/program/saki/overview>

³ *Id.*

SB669 _ HB675 - GOCPP - LOI.pdf

Uploaded by: Bethany Young

Position: INFO

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)

March 4, 2025

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.

Maryland State Police Position Paper - SB0669.pdf

Uploaded by: Owen Traynor

Position: INFO



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

POSITION ON PROPOSED LEGISLATION

DATE: March 4, 2025
BILL NUMBER: Senate Bill 669 **POSITION:** Letter of Information
BILL TITLE: Public Safety – Rape Kit Testing Grant Fund - Alterations

REVIEW AND ANALYSIS

This legislation seeks to amend the purpose and use of the Rape Kit Testing Grant Fund. By expanding the duties of the Executive Director of the Governor's Office of Crime Prevention and Policy (GOCPP) relating to the Fund and prohibiting the use of the Fund for the Sexual Assault Evidence Kit Tracking System.

Under current law, the Rape Kit Testing Grant Fund provides law enforcement agencies with funding to pay for testing of current 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.

The Rape Kit Testing Grant was established to focus on current sexual assault kits. This was done in order to accommodate increased numbers of sexual assault kit submissions resulting from legislation that now requires all sexual assault kits to be tested. House Bill 675 proposes to change the original purpose of the state Rape Kit Testing Grant fund to a purpose already covered by the federal Sexual Assault Kit Initiative (SAKI) grant program.

Since the implementation of the state Rape Kit Grant fund, logistical challenges have prevented forensic laboratories from fully utilizing the available funding, despite their intent to do so. Issues such as funding gaps between calendar years, the limitations of single-year grant periods, and the inability to use the funds for necessary physical laboratory improvements to enhance in-house testing capacity have arisen. These concerns were all brought to the attention of the Sexual Assault Evidence Kit Policy and Funding Committee.

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.

The Maryland State Police support any effort that will augment efforts to get the back log of sexual assault kits tested and address current caseloads. We are aware that there are discussions regarding amendments to this bill and we are happy to continue to work with the sponsor on them.

The Maryland Department of State Police hopes you find this information useful as you consider Senate Bill 669.