

SB531 - FAV.pdf

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OFFICE OF THE ATTORNEY GENERAL

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February 10, 2026

TO: The Honorable Will Smith
Chair, Judicial Proceedings
Committee

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

RE: SB531 - Criminal Procedure - Victims of Sexually Assaultive
Behavior - Request for Verbal Acknowledgement (Verbal
Waiver Transparency Act)

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 of Senate Bill 531.

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 developing and disseminating best practices information and recommendations governing sexual assault evidence kits ("SAEKs," commonly referred to as "rape kits" or "kits") and Maryland's overall response to sexual assault crimes.

Senate Bill 531 is an amendment to a bill passed by the General Assembly in the 2020

Legislative Session. [Senate Bill 807](#)¹ prohibited law enforcement agencies (“LEA”) from presenting sexual assault victims with a written form purporting to:

- (1) Relieve the LEA of an obligation to the victim;
- (2) Preclude or define the scope of an investigation by the LEA into an act allegedly committed against the victim;
- (3) Prevent or limit a prosecution of an act allegedly committed against the victim; or
- (4) Limit private right of action of the victim pertaining to an act allegedly committed against the victim of the victim’s interaction with the LEA.

Further, Senate Bill 807 required that if a victim requests that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended, the LEA shall:

- (1) Thoroughly document the request; and
- (2) Follow up with the victim in accordance with practices recommended by the Maryland Police Training and Standards Commission.

Each law enforcement agency in the State was also required to submit a policy to the SAEK Committee that would enforce the prohibition on seeking waivers from victims of sexually assaultive behavior by January 15, 2021. The bill was signed into law and was codified under Maryland Criminal Procedure §11-929.

For several years, some Maryland law enforcement agencies (“LEAs”) used “waivers of rights forms” to document a sexual assault victim’s decision to no longer participate in the investigation or prosecution of their alleged sexual assault.² In these forms, victims would waive their right to have their assault investigated and, often, the right to file a civil suit against the LEA for failing to complete an investigation.³ Additionally, many survivors were presented these forms without information regarding the status of their kit or without being informed that signing the waiver meant that their SAEK would not be tested.

However, the use of waivers now long been under scrutiny for being coercive or potentially coercive. According to the International Association of Chief of Police, “pressuring a reluctant witness to sign a form stating that they are not interested in prosecution and will not hold the agency accountable for stopping the investigation is poor practice and is potentially damaging to an agency.”⁴ Reasons a victim may hesitate to move forward with an investigation vary widely and include, but are not limited to:

¹ SB807, Ch. 584 (2020) is codified under MD. CODE, Crim. Proc. § 11-929 (2020).

² Catherine Rentz, *Hundreds of Baltimore-area sex assault victims signed waivers releasing police from duty of investigating*, BALTIMORE SUN, Feb. 19, 2019, <http://www.baltimoresun.com/news/investigations/bs-md-sex-assault-waivers-20190219-story.html>.

³ *Id.*

⁴ IACP: Sexual Assault Incident Reports, Investigative Strategies, August 8, 2018 <https://www.theiacp.org/sites/default/files/all/s/SexualAssaultGuidelines.pdf>

- Lack of trust, or a trusting rapport, with law enforcement or other members of the criminal justice system
- Fear of public embarrassment
- Fear of not being believed
- Reluctance to relive the trauma that they have already been experienced
- Intimidation and fear of retaliation from the suspect

In addition to the passage of the statute, the Maryland Police Standards and Training Commission (MPSTC) published best practice guidelines for law enforcement agencies that affirmed that “the officer should not suggest a victim of sexually assaultive behavior sign a waiver of rights during the initial contact with the victim or during the continued investigation.”⁵ The legislation and the MPSTC standards articulate the appropriate circumstances where an investigation may be suspended with written documentation: “if a victim requests that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended.”⁶

In the fall of 2024, the SAEK Committee received an inquiry from at least one local law enforcement agency requesting clarification on the policy surrounding verbal waivers of prosecution and investigation. SAEK Committee counsel and the Maryland Coalition Against Sexual Assault (MCASA) met with agency at their next Sexual Assault Response Team (SART) meeting to discuss the issue. Counsel sought clarity on the process being undertaken by the agency. The agency advised that they were approaching victims of sexual assault whose cases the State’s Attorney did not intend to prosecute and asking them whether they wanted to continue the investigation and prosecution of their case. As a result of that conversation, and broader concern that the issue may impact more than one law enforcement agency, the SAEK Committee published guidance in January of 2025.⁷ That guidance, while helpful, did not guarantee that agencies would abide by said guidance or that the issue would not become more widespread. In September of 2025, the Committee agreed that it would be best to introduce legislation expressly prohibiting verbal waivers of investigation.

As a rule, the SAEK Committee strongly discourages the use of waivers of any type where a law enforcement agency or prosecutor’s office approaches a victim to discuss whether their case should continue, as that behavior is inconsistent with the intent of the 2020 statute. As described above, the statute’s prohibition on the use of waiver forms is intended to ensure that victims are not coerced, retraumatized, or revictimized by a law enforcement

⁵ https://mpctc.dpscs.maryland.gov/pdf/Victims_of_Sexual_Assault_Best_Practices.pdf

⁶ *Id.*

⁷ https://oag.maryland.gov/our-office/Documents/pdfs/SAEK_Committee_FAQ_Document_010725.pdf

agency or a State's Attorney's Office asking them to sign a form indicating that they decline to proceed with further investigation of their case. Although this threat is exacerbated when the request is presented in writing, a verbal request holds the same risks. This is particularly true of a victim who is informed by a law enforcement officer that their case will not be prosecuted or when a victim is not also informed about the benefits of testing their kit, the right to change their mind, or the right to consult with a victim's advocate or be represented by a victim's right's attorney about their case. Failing to provide this information, or access to a victim advocate, may pressure the victim to make a decision without all the information regarding their rights and that they would not otherwise make. This is inconsistent with the best practices guidance issued by the Maryland Police Training and Standards Commission.⁸ The intent of the law is that only a victim may initiate the discussion with a law enforcement agency regarding their desire to continue or end the investigation of their case, not law enforcement or a State's Attorney's Office—regardless of whether a waiver form is ultimately presented.

In consideration of the above, the SAEK Committee requests a favorable report on SB531.

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.

⁸ *See id.*

SB 0531 Criminal Procedure - Victims of Sexually A

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: Senate Bill 0531
TITLE: Criminal Procedure – Victims of Sexually Assaultive Behavior – Request for Verbal Acknowledgement
COMMITTEE: Judicial Proceedings
HEARING DATE: February 17, 2026
POSITION: **SUPPORT**

The Women’s Law Center of Maryland is a nonprofit legal organization dedicated to protecting the physical safety, economic security, and civil rights of women and their families across Maryland. Through our legal services, policy advocacy, and education, we work to remove barriers that endanger survivors of abuse and to advance laws that promote safety, stability, and justice. **Senate Bill 531 reflects those priorities by safeguarding survivors’ rights at one of the most vulnerable moments they face — their initial interaction with law enforcement.**

Senate Bill 531 is designed to ensure that survivors are not pressured into relinquishing important rights during their initial interactions with law enforcement. The bill addresses a procedural gap that can result in survivors unintentionally narrowing the scope of a criminal investigation or giving up the ability to pursue future legal remedies. It amends the Maryland Code of Criminal Procedure to prohibit law enforcement from seeking a verbal acknowledgment from a survivor that would absolve the agency of its responsibilities. By eliminating these verbal waivers (while existing law already bars written waivers), the legislation helps ensure that survivors do not inadvertently “sign away” their right to a thorough investigation or a potential lawsuit before they have had the opportunity to process what has happened or seek guidance from an advocate.

This straightforward, common-sense measure eliminates a loophole that disproportionately affects survivors who are often in acute trauma during the earliest stage of an investigation.

For these reasons, the Women’s Law Center of Maryland respectfully urges a favorable report on Senate Bill 531.

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 531 - MNADV - FAV.pdf

Uploaded by: Laure Ruth

Position: FAV



BILL NO: Senate Bill 531
TITLE: **Criminal Procedure - Victims of Sexually Assaultive Behavior – Request for Verbal Acknowledgement**
COMMITTEE: Judicial Proceedings
HEARING DATE: February 17, 2026
POSITION: FAVORABLE

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that works to lead diverse community partners toward the common purpose of reducing the occurrence and impact of intimate partner violence. **MNADV urges this Committee to vote favorably on SB 531.**

Senate Bill 531 aims to protect the rights of survivors during their initial interactions with law enforcement. It specifically targets a procedural loophole that can lead to survivors unintentionally forfeiting their rights or limiting the scope of a criminal investigation. Senate Bill 531 amends the Maryland Code of Criminal Procedure to prohibit law enforcement agencies from asking a survivor for a verbal acknowledgement which would relieve the agency of its obligations. By banning these verbal waivers (current law already prohibits a form to effectuate waiver of any of these rights), the bill ensures that a survivor doesn't accidentally verbally "sign away" their right to a full investigation or a future lawsuit before they have had time to process the event or consult with an advocate.

This is a common sense bill to close a loophole for survivors who are almost always in active trauma early in the investigative phase of an alleged crime.

For all of the above reasons, MNADV urges a favorable report in SB 531.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

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Waivers - testimony - house - 2026 - SB531 FAV.pdf

Uploaded by: Lisae C Jordan

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Testimony Supporting Senate Bill 531
Laura Jessick, Sexual Assault Response Team Manager
Lisae C. Jordan, Executive Director & Counsel
February 17, 2026

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 Kit Initiative Victim Notification Project, a statewide project to support survivors with untested rape kits. MCASA represents the unified voice and combined energy of all its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 531.

Senate Bill 531 – Sexual Assault Survivors
Prohibiting Law Enforcement Verbal Requests to Waive Rights

Current law prohibits law enforcement from requesting that sexual assault survivors waive certain rights in writing, and provides procedures for law enforcement to follow when survivors choose not to pursue criminal justice. This bill extends the law to include requests for verbal waivers of rights.

Using rights waivers sends the wrong message to sexual assault survivors. The use of “waivers of investigation” inherently presents a message to victims that when reporting a crime of sexual assault, the investigation is “all or nothing” and “now or never”. Waivers send the message from law enforcement that survivors must: “Tell me everything this minute, or never call us again”. End Violence Against Women International (EVAWI), *Reporting Methods for Sexual Assault Cases*, (2014). As a result, there is national consensus that waivers are inappropriate in sexual assault cases.

In 2020, after many years of trying to discourage waivers voluntarily, the General Assembly enacted legislation prohibiting the use of written waivers. This important legislation also established a process for law enforcement to use when a survivor wishes to limit or discontinue an investigation. Unfortunately, some agencies have chosen to comply with the letter of the law by avoiding written waivers, and are instead asking survivors for verbal waivers.

Waivers do not protect victims, they protect the law enforcement agency responsible for the investigation of the crime. Evidence shows that waivers of investigations are used prematurely, often during initial interviews with the victim. Waivers force victims to make a decision regarding the prosecution of the alleged crime. Waivers sidestep the responsibility of a law enforcement agency to conduct a thorough investigation, whether the request is verbal or written. End Violence Against Women International explains: **“It is clear that the purpose is to protect the agency from later claims that they did not pursue an investigation of a sexual assault report when they should have”.** EVAWI. Frequently Asked Questions – Release Waivers. (2020).

Requests for verbal waivers encourage sexual assault survivors to disengage from the criminal justice system and withdraw consent for rape kit testing. These interactions often occur without the presence of an advocate, exploiting survivors’ limited knowledge of their rights and leveraging law enforcement authority in a manipulative and coercive manner. In cases where the survivor has had a forensic exam, this practice also devalues the investigative role of rape kit testing, which can corroborate survivors’ accounts, refute offender claims, and identify serial offenders. In fact, nationally, rape kit testing has generated thousands of DNA profile matches to serial sexual and violent offenders.¹ This protects survivors and our communities.

Sexual assault is underreported due in part to the retraumatizing nature of the criminal justice process, with many survivors indicating that they would not have reported the crime if they had known how they would be treated.² Without the clear legal obligation that SB531 will create, survivors will continue to face disbelief and inadequate investigations will prevent offender accountability.

**The Maryland Coalition Against Sexual Assault
urges the Judicial Proceedings Committee to
report favorably on Senate Bill 531**

¹ Sexual Assault Kit Initiative. SAKItta.org

² Lorenz K, Kirkner A, Ullman SE. A Qualitative Study Of Sexual Assault Survivors' Post-Assault Legal System Experiences. J Trauma Dissociation. 2019 May-Jun;20(3):263-287.

Testimony in support of SB0531 - Verbal Waiver Tra

Uploaded by: Richard KAP Kaplowitz

Position: FAV

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02/17/2026
Richard Keith Kaplowitz
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TESTIMONY ON SB#0531 - POSITION: FAVORABLE
Criminal Procedure - Victims of Sexually Assaultive Behavior - Request for Verbal Acknowledgement (Verbal Waiver Transparency Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0531, **Criminal Procedure - Victims of Sexually Assaultive Behavior - Request for Verbal Acknowledgement (Verbal Waiver Transparency Act)**

The Illinois Attorney General created *Revised Comprehensive Guidelines reflect an evidence-based, trauma-informed, victim-centered approach to responding to and investigating sexual assault and sexual abuse, including responding to victims who are under 13 years of age at the time the sexual assault or sexual abuse occurred*¹

The trauma of sexual assault and sexual abuse often leads to significant emotional, physical, and economic consequences for the victim. The diminished ability of victims to recover from their sexual assault or sexual abuse has been directly linked to the response of others to their trauma. The response of law enforcement can directly impact a victim's ability to heal as well as his or her willingness to actively participate in the investigation by law enforcement.

Victim participation is critical to the successful identification and prosecution of sexual offenders, which can prevent new victimization. For this reason, improving the response of the criminal justice system to victims of sexual assault and sexual abuse is critical to protecting public safety.

Maryland can recognize the negative effects on victims of sexual crimes by protecting those victims from inappropriate law enforcement conduct during an investigation.

This bill can make that happen by prohibiting a law enforcement agency from making a certain request for verbal acknowledgement in an interaction with a person suspected to have been subjected to sexually assaultive behavior or who claims to have been subjected to sexually assaultive behavior.

Maryland can avoid revictimization of someone who has had this crime committed against them.

I respectfully urge this committee to return a favorable report on SB0531.

¹ https://illinoisattorneygeneral.gov/Page-Attachments/Law_Enforcement_Sexual_Assault_Response_Policy-ComprehensiveGuidelines.pdf

SB531_FAV_Hettleman.pdf

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Chair, Pensions

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Senator Shelly Hettleman Testimony in Support of SB 531
Criminal Procedure - Victims of Sexually Assaultive Behavior - Request for
Verbal Acknowledgement (Verbal Waiver Transparency Act)**

Thank you for the opportunity to present this bill. I am here today in support of SB531 because it addresses a critical gap in how we protect survivors of sexual assault in Maryland. When a survivor reports a sexual assault, that moment is often one of the most vulnerable and courageous decisions of their life. The response they receive from law enforcement can either build trust in the justice system or reinforce fear and hesitation. The use of investigation waivers undermines that trust. SAEK investigation waivers are mechanisms used by law enforcement cover their own liability if a victim decides not to cooperate. From the 1990s, some law enforcement agencies have used "waivers of rights" forms to document a survivor's decision to stop participating in an investigation, often due to trauma, shame, or fear of retaliation and asks the survivor to forego their rights to hold law enforcement accountable.

Waivers do not protect survivors. They protect agencies. Evidence shows that waivers are often requested prematurely, sometimes during initial interviews when survivors are still processing trauma. These interactions may occur without the presence of a lawyer or an advocate, and at a time when survivors may not fully understand their rights. The inherent power imbalance between law enforcement and a victim can make such requests feel coercive, even if that is not the stated intention.

Waivers of investigation also send the wrong message to survivors. They create the impression that reporting is an all-or-nothing decision that must be made immediately.

Survivors may feel pressured to provide every detail and commit fully to prosecution at the earliest stage, even though trauma often affects memory, emotional readiness, and decision-making. National best practices and expert guidance have long recognized that waivers are inappropriate in sexual assault cases because they shift responsibility away from investigators and onto victims.

In 2020, after years of advocacy, the General Assembly took an important step by prohibiting the use of **written** waivers in sexual assault investigations. That law also established a clear and appropriate process for situations in which a survivor wishes to limit or discontinue participation in an investigation. The intent was clear: protect victims while preserving the integrity of investigations. Unfortunately, some agencies have complied with the letter of the law while undermining its spirit. Instead of written waivers, survivors are now being asked to provide verbal waivers. The result is the same. The burden is placed on the victim to make an immediate decision. The responsibility of law enforcement to conduct a thorough and victim-centered investigation is sidestepped, and the protections the legislature intended to provide are weakened.

SB531 makes a narrow but necessary clarification to Maryland law. It closes the remaining loophole by ensuring that verbal waivers are treated the same as written waivers. It reinforces the principle that survivors should not be asked to absolve agencies of their investigative responsibilities. Additionally, this legislation does not interfere with legitimate investigations. It does not limit law enforcement discretion or prevent a survivor from choosing to disengage from an investigation. It also does not impose any fiscal or operational burden on jurisdictions. Instead, it ensures that when a survivor makes decisions about participation, those decisions occur within a clear, lawful, and victim-centered framework already established by this body.

Maryland has been a leader in strengthening protections for survivors of sexual assault. This bill simply ensures that the protections we enacted in 2020 are fully realized and cannot be circumvented through informal practices. Survivors deserve a system that prioritizes their safety, dignity, accountability, and autonomy. I respectfully urge the Committee to give SB531 a favorable report.

Favorable with amendments for SB 531.pdf

Uploaded by: Joanna Mupanduki

Position: FWA



Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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February 13, 2026

Re: Favorable with amendments to SB 531

Dear Chair Smith and Members of the Judicial Proceedings Committee,

On behalf of the Maryland Crime Victims' Resource Center (MCVRC), I respectfully urge a **favorable with amendments report** on Senate Bill 531.

MCVRC supports the intent of this legislation to ensure that victims of sexually assaultive behavior are not pressured—formally or informally—into limiting investigations, waiving rights, or relieving law enforcement of obligations through written or verbal acknowledgements.

This bill represents an important step toward reinforcing victim autonomy and transparency in interactions with law enforcement. By prohibiting requests that purport to limit investigations, prosecutions, or civil remedies, SB 531 helps protect victims from feeling coerced or misled during an already traumatic and vulnerable time

However, MCVRC respectfully suggests that the bill could be strengthened by clarifying that law enforcement may not ask or encourage a victim to “not prosecute” or to decline prosecution of the alleged offender.

While SB 531 appropriately prohibits requests that would “prevent or limit a prosecution,” in practice, victims may experience pressure through less formal language or conversational requests—such as being asked whether they “want to press charges,” being encouraged to reconsider pursuing the case, or being asked to verbally indicate that they do not want prosecution to move forward.

These interactions can carry significant weight for victims and may influence reporting, cooperation, and long-term engagement with the justice process.

Victims of sexually assaultive behavior often face complex emotional, safety, and psychological pressures. When a request not to prosecute comes from law enforcement—an authority figure in whom victims are expected to place trust—it may be perceived as a recommendation or expectation rather than a neutral inquiry. Even when unintentional, this dynamic can undermine the bill’s core goal of preventing coercion or perceived coercion.

To ensure consistency with the bill’s purpose, MCVRC recommends that the Committee clarify that law enforcement may not request, encourage, or solicit a victim’s agreement not to pursue prosecution of the alleged offense. Such clarification would reinforce that decisions regarding charging and prosecution rest with the State, and that victims should not feel responsible for initiating, declining, or halting criminal proceedings at the request of law enforcement.

Importantly, this recommendation does not limit a victim’s right to express their wishes or concerns about an investigation or prosecution. Rather, it ensures that those wishes are truly voluntary and not prompted or shaped by requests from authorities that may be experienced as pressure.

SB 531 takes meaningful steps toward safeguarding victim rights and strengthening trust in the justice system. Clarifying this additional protection would further align the bill with its purpose of ensuring that victims are not asked—directly or indirectly—to relinquish their rights or limit the justice process.

Thank you for your thoughtful consideration of this important legislation and for your continued commitment to protecting victims of crime across Maryland. MCVRC would be pleased to provide any additional information that may assist the Committee.

Respectfully submitted,



Joanna D. Mupanduki, Esq.
Deputy Director
Maryland Crime Victims Resource Center, Inc.