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## Working to end sexual violence in Maryland

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### **Testimony Supporting House Bill 759** **Lisae C. Jordan, Executive Director & Counsel** March 2, 2023

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 Judiciary Committee to report favorably on House Bill 759

#### **House Bill 759 – Sexual Assault Victims' Rights – Rape Kit Tracking**

House Bill 759 would require the Governor's Office of Crime Prevention, Youth & Victim Services to establish and administer a reporting program for tracking the location, status, and chain of custody for sexual assault evidence collection kits (often called rape kits). This bill also contains critical provisions allowing victims, victim representatives, sexual assault rape crisis programs, and child advocacy centers to have access to tracking information. MCASA supports HB759.

More than one out of every five (21.3%) adult Maryland women—about 677,596—has been the victim of rape sometime in her lifetime, and approaching half (43.6%) of Maryland's adult women—about 1,387,006—and nearly one quarter (24.8%) of Maryland's adult men—about 740,013—have experienced other forms of sexual violence.<sup>1,2</sup> Sexual assault forensic examinations (SAFEs) and sexual assault evidence kits (SAEKs) are vital to the investigation and prosecution of these sexual assaults.<sup>3</sup>

DNA and other evidence recovered from SAEKs are an important tool used to identify perpetrators, prove sexual contact, and corroborate the victim's testimony. The FBI's Combined DNA Index System (CODIS)—a national DNA database populated by samples submitted by

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<sup>1</sup> National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief. (Numbers adjusted to match current population data.)

<sup>2</sup> The terms "victim" and "survivor" are both used in this document, and MCASA encourages the use of whichever term is preferred by an individual who has experienced sexual violence. The word "victim" is used in Maryland's crime victim rights statutes and, as a result, is used more frequently in that context.

<sup>3</sup> Sexual assault forensic examinations are performed by health care providers trained in forensic examination and evidence collection. Sexual assault evidence kits collect the evidence recovered during the SAFE exam. SAEKs typically include paperwork to document the exam, swabs and glass slides for biological evidence collection, containers for blood and urine samples, evidence bags for clothing and other large pieces of evidence, and envelopes for hair, fibers, and other trace evidence.

participating federal, state, and local forensic laboratories—also uses SAEK evidence to identify serial perpetrators of sexual assault and exonerate innocent people accused of crimes.<sup>4</sup>

**Tracking kits and providing sexual assault survivors with information will help empower victims and increase accountability.** Investigating law enforcement agencies are required to provide victims with information about kit status, Criminal Procedure §11-926(c), and regarding DNA profiles and hits, §11-104(c). Additionally, Criminal Procedure §11-927(e)(1)(vii) requires the Sexual Assault Evidence Kit Policy and Funding Committee to create and operate a statewide sexual assault evidence collection kit tracking system. HB759 improves on these mandates by requiring that the selected tracking system permit victims to track their kits through the system. Tracking information would also be available to law enforcement, prosecutors, and, most importantly, victim representatives, and those helping survivors at Maryland’s rape crisis programs. This tracking system would help prevent a future backlog and kits from being lost, and give survivors better access to information.

**House Bill 759 was developed by the Attorney General’s Sexual Assault Evidence Kit Policy and Funding Committee.** This statutorily established, multidisciplinary committee brings together a wide variety of professionals working to improve Maryland’s policies regarding forensic exam kits (often called rape kits). Creation of this tracking program and HB759 is part of this Committee’s work and the next step in creating better responses to survivors of sexual assault.

**The Maryland Coalition Against Sexual Assault urges  
the Judiciary Committee  
to report favorably on House Bill 759**

The image shows two versions of a flyer for the SAKI Survivor Information Line. The top flyer is in English and the bottom flyer is in Spanish. Both flyers have a black background with a teal border. At the top of each flyer is the hashtag #SAKI. The English flyer contains the text: "Maryland's Sexual Assault Kit Initiative - Find out what happened to your rape kit. Call the confidential SAKI Survivor Information Line: 833-364-0046. Or email: notification@mcasa.org". The Spanish flyer contains the text: "Iniciativa para el Kit de Abuso Sexual de Maryland - Entérese de qué pasó con su kit de violación. Llame a la Línea confidencial de SAKI para Información para Sobrevivientes: 833-364-0046. O escriba por email: notification@mcasa.org". Both flyers feature the MCASA logo on the bottom left and the SALI logo on the bottom right.

<sup>4</sup> Sexual Assault Evidence Kits in the State of Maryland, Report of the Office of the Attorney General, January 1, 2017.