

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 592

H.P. 450

House of Representatives, February 15, 2011

An Act Regarding Forensic Examination Kits

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PLUMMER of Windham.
Cosponsored by Senator MASON of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2986, sub-§3**, as amended by PL 2005, c. 538, §1, is further
3 amended to read:

4 **3. Completed kit.** If the alleged victim has not reported the alleged offense to a law
5 enforcement agency when the examination is complete, the hospital or health care
6 practitioner shall then notify the nearest law enforcement agency, which shall transport
7 and store the completed forensic examination kit for at least 90 days. The completed kit
8 may be identified only by the tracking number. If during that 90-day period an alleged
9 victim decides to report the alleged offense to a law enforcement agency, the alleged
10 victim may contact the hospital or health care practitioner to determine the tracking
11 number. The hospital or health care practitioner shall provide the alleged victim with the
12 tracking number on the forensic examination kit and shall inform the alleged victim
13 which law enforcement agency is storing the kit.

14 If the alleged victim reports the alleged offense to a law enforcement agency by the time
15 the examination is complete, the investigating ~~law enforcement~~ agency shall ~~transport~~
16 retain custody of the forensic examination kit ~~directly to the Maine State Police Crime~~
17 Laboratory.

18 If an examination is performed under subsection 5 and the alleged victim does not, within
19 60 days, regain a state of consciousness adequate to decide whether or not to report the
20 alleged offense, the State may file a motion in the District Court relating to storing or
21 processing the forensic examination kit. Upon finding good cause and after considering
22 factors, including, but not limited to, the possible benefits to public safety in processing
23 the kit and the likelihood of the alleged victim's regaining a state of consciousness
24 adequate to decide whether or not to report the alleged offense in a reasonable time, the
25 District Court may order either that the kit be stored for additional time or that the kit be
26 transported to the Maine State Police Crime Laboratory for processing, or such other
27 disposition that the court determines just. In the interests of justice or upon motion by the
28 State, the District Court may conduct hearings required under this paragraph
29 confidentially and in camera and may impound pleadings and other records related to
30 them.

31 **SUMMARY**

32 This bill amends the law to reflect current practice by directing that forensic
33 examination kits be retained by investigating law enforcement agencies rather than
34 transported to the Maine State Police Crime Laboratory. The bill ensures that the text of
35 the Maine Revised Statutes, Title 24, section 2986, subsection 3 is consistent with similar
36 text located in Title 25, section 3821.