

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 859

H.P. 608

House of Representatives, March 7, 2017

An Act To Ensure Thorough Investigation into Allegations of Sexual Assault

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BATES of Westbrook.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: COREY of Windham, GATTINE of Westbrook, O'NEIL of Saco, TALBOT
ROSS of Portland, WHITE of Washburn.

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

2 **Sec. 1. 25 MRSA §3822** is enacted to read:

3 **§3822. Forensic examination kits; process time frame; report**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Forensic examination kit" or "kit" means a kit designed to be used by a health
7 care provider for the purpose of collecting forensic evidence with regard to an alleged
8 sexual assault.

9 B. "Health care provider" means:

10 (1) A hospital licensed under Title 22, chapter 405; or

11 (2) A health care practitioner who is licensed by this State to provide or is
12 otherwise lawfully providing health care or a partnership or corporation made up
13 of such health care practitioners.

14 C. "Law enforcement agency" means the State Police, a county law enforcement
15 agency or a municipal law enforcement agency.

16 D. "Sexual assault" means a gross sexual assault as described in Title 17-A, section
17 253, sexual abuse of minors as described in Title 17-A, section 254 or unlawful
18 sexual contact as described in Title 17-A, section 255-A.

19 **2. Process forensic examination kits within 180 days.** The State Police shall
20 process a forensic examination kit within 180 days of receipt of a kit or within 180 days
21 of receipt of consent to analysis of that kit by the alleged victim of the sexual assault,
22 whichever occurs later.

23 **3. Report.** The State Police shall conduct annual audits of forensic examination kits
24 and shall report to the general public and to the Legislature by July 1, 2018 and annually
25 thereafter regarding the status of analyses of kits in the possession of the State Police.
26 The report must include, for the preceding 12-month time period, the number of test kits
27 on which analyses have been completed and the number of test kits on which analyses
28 have not been completed.

29 **Sec. 2. Maine Revised Statutes headnote amended; revision clause.** In the
30 Maine Revised Statutes, Title 25, chapter 407, in the chapter headnote, the words
31 "transportation and storage of forensic examination kits for alleged victims of gross
32 sexual assault" are amended to read "transportation, storage and analysis of forensic
33 examination kits for alleged victims of gross sexual assault" and the Revisor of Statutes
34 shall implement this revision when updating, publishing or republishing the statutes.

35 **SUMMARY**

36 This bill requires the State Police to process a forensic examination kit within 180
37 days of receipt of a kit that has been used to obtain forensic evidence from an alleged

1 victim of sexual assault or within 180 days of receipt of consent to analysis of that kit by
2 the alleged victim of the sexual assault, whichever occurs later. The bill requires the
3 State Police to conduct annual audits of forensic examination kits and to report to the
4 general public and to the Legislature by July 1, 2018, and annually thereafter, regarding
5 the status of analyses of forensic examination kits in the possession of the State Police.