

MAINE STATE LEGISLATURE

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Date: 4/19/19

SMG
H. 113

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 305, L.D. 396, Bill, "An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 24 MRSA §2986, sub-§3, as amended by PL 2011, c. 59, §1, is further amended to read:

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

If the alleged victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating agency shall retain custody of the forensic examination kit.

If an examination is performed under subsection 5 and the alleged victim does not, within 60 days, regain a state of consciousness adequate to decide whether or not to report the alleged offense, the State may file a motion in the District Court relating to storing or processing the forensic examination kit. Upon finding good cause and after considering factors, including, but not limited to, the possible benefits to public safety in processing the kit and the likelihood of the alleged victim's regaining a state of consciousness adequate to decide whether or not to report the alleged offense in a reasonable time, the District Court may order either that the kit be stored for additional time or that the kit be transported to the Maine State Police Crime Laboratory for processing, or such other

COMMITTEE AMENDMENT



1 disposition that the court determines just. In the interests of justice or upon motion by the
2 State, the District Court may conduct hearings required under this paragraph
3 confidentially and in camera and may impound pleadings and other records related to
4 them.

5 **Sec. 2. 25 MRSA §3821, 2nd ¶**, as amended by PL 2017, c. 156, §4, is further
6 amended to read:

7 If an alleged victim of sexual assault has a forensic examination and has not reported
8 the alleged offense to a law enforcement agency when the examination is complete, the
9 licensed hospital or licensed health care practitioner that completed the forensic
10 examination shall notify the nearest law enforcement agency. That law enforcement
11 agency shall transport the completed forensic examination kit, identified only by a
12 tracking number assigned by the kit manufacturer, to its evidence storage facility. The
13 law enforcement agency shall store the forensic examination kit for ~~at least 90 days from~~
14 ~~the time of receipt~~ 8 years. If during that ~~90-day storage~~ period the alleged victim reports
15 the offense to a law enforcement agency, the investigating agency shall take possession of
16 the forensic examination kit.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
18 section number to read consecutively.

19 **SUMMARY**

20 This amendment strikes the bill and instead changes the period that a law
21 enforcement agency must store a sexual assault forensic examination kit when the victim
22 has not come forward from 90 days from receipt of the kit to 8 years.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 396

LR 690(02)

An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-113)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

The bill increases the period of time a law enforcement agency must store a sexual assault forensic examination kit from 90 days to 8 years. This change could make evidence available for longer periods of time, potentially increasing the number of cases and convictions for sexual assault. However, the number of new cases and convictions is expected to be minimal and the Maine Commission on Indigent Legal Services and the Department of Corrections do not require additional funding at this time.

Additional costs to the Department of Public Safety associated with this legislation can be absorbed within existing budgeted resources.