

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1632

S.P. 649

In Senate, April 12, 2023

An Act to Require Proper Storage of Forensic Exam Evidence

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BAILEY of York.
Cosponsored by Senators: BEEBE-CENTER of Knox, President JACKSON of Aroostook,
Representative: SALISBURY of Westbrook.

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

2 **Sec. 1. 25 MRSA §3821**, as amended by PL 2019, c. 94, §2, is further amended to
3 read:

4 **§3821. Transportation and storage of forensic examination kits**

5 For the purposes of this section, "sexual assault" means any crime enumerated in Title
6 17-A, chapter 11 and "strangulation" has the same meaning as in Title 17-A, section 208,
7 subsection 1, paragraph C.

8 If an alleged victim of sexual assault or strangulation has a forensic examination and
9 has not reported the alleged offense to a law enforcement agency when the examination is
10 complete, the licensed hospital or licensed health care practitioner that completed the
11 forensic examination shall notify the nearest law enforcement agency. That law
12 enforcement agency shall transport the completed forensic examination kit, identified only
13 by a tracking number assigned by the kit manufacturer, to its evidence storage facility. The
14 law enforcement agency shall store the forensic examination ~~kit~~ kits involving sexual
15 assault for 8 12 years and forensic examination kits involving only strangulation for 6 years.
16 If during that storage period the alleged victim reports the offense to a law enforcement
17 agency, the investigating agency shall take possession of the forensic examination kit.

18 In the case of a forensic examination performed under Title 24, section 2986,
19 subsection 5, the law enforcement agency must immediately notify the district attorney for
20 the district in which the hospital or health care practitioner is located that such a forensic
21 examination has been performed and a forensic examination kit has been completed under
22 Title 24, section 2986, subsection 5.

23 **SUMMARY**

24 This bill directs a law enforcement agency to collect and transport anonymously
25 collected forensic evidence from strangulation exams. The bill changes the required time
26 that a law enforcement agency must store a forensic examination kit for sexual assault from
27 8 years to 12 years and requires that a law enforcement agency store a forensic examination
28 kit involving only strangulation for 6 years.