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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1353, L.D. 2129, “An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits in the Possession of Law Enforcement”

Amend the bill in section 1 in subsection 3 by adding at the end a new blocked paragraph to read:

'A law enforcement agency shall store a completed forensic examination kit involving sexual assault for 20 years regardless of whether the alleged offense is reported to a law enforcement agency.'

Amend the bill in section 2 in §2915-A in subsection 1 in paragraph A in the 2nd line (page 2, line 4 in L.D.) by striking out the following: "a laboratory licensed to provide" and inserting the following: 'another laboratory that provides'

Amend the bill in section 2 in §2915-A in subsection 1 in paragraph C in the first line (page 2, line 7 in L.D.) by inserting after the following: "examination kit" the following: 'or "kit" '

Amend the bill in section 2 in §2915-A by striking out all of subsection 2 (page 2, lines 20 to 40 and page 3, lines 1 to 4 in L.D.) and inserting the following:

**'2. Forensic examination kit tracking system.** The department shall establish, operate and maintain a tracking system for all completed forensic examination kits, regardless of whether the alleged offense relating to the kit was reported to a law enforcement agency, that is continuously accessible to approved users.

A. The department shall establish, operate and maintain the tracking system through the use of department personnel and resources and, to accomplish those duties, may contract with public or private entities, including, but not limited to, software and technology providers.

B. Approved users must adhere to the following procedures when entering information for each kit into the tracking system, which must, at a minimum, collect the following information.

**COMMITTEE AMENDMENT**

1           (1) A crime laboratory must enter into the tracking system each new and unused  
2           kit and record the kit's intended destination before the kit leaves the possession of  
3           the crime laboratory.

4           (2) A licensed health care provider must enter into the tracking system the date it  
5           receives each kit from a crime laboratory.

6           (3) A licensed health care provider must identify when a kit was used for evidence  
7           collection and enter into the tracking system the date when the kit was used,

8           (4) A licensed health care provider must identify when a completed kit is  
9           transferred to a law enforcement agency and to which law enforcement agency it  
10           is transferred and enter into the tracking system the date when the kit was  
11           transferred.

12           (5) A licensed health care provider must identify when a kit is discarded based on  
13           damage to the kit or its use in training and enter into the tracking system the date  
14           on which the kit was discarded.

15           (6) A law enforcement agency must enter into the tracking system the date it  
16           receives a completed kit and the location where the completed kit is being stored.

17           (7) A law enforcement agency in possession of a completed kit must enter into the  
18           tracking system the date that law enforcement agency reports to a prosecuting  
19           attorney that a forensic examination has been performed pursuant to Title 24,  
20           section 2986.

21           (8) A crime laboratory must identify when it has conducted an analysis of a  
22           completed kit and enter into the tracking system the date of the analysis.

23           (9) A law enforcement agency that receives a kit after analysis from a crime  
24           laboratory must identify when it received the kit and whether that kit was stored or  
25           destroyed.

26           C. The tracking system must provide for the updating and tracking of a forensic  
27           examination kit as follows.

28           (1) An alleged victim of sexual assault from whom forensic evidence has been  
29           collected using a kit must have access to the tracking system on an anonymous and  
30           secure basis for the purposes of receiving updates regarding the kit and tracking  
31           the status of the kit.

32           (2) A licensed health care provider, law enforcement agency, prosecuting attorney  
33           or any other entity in possession of a kit must have access to the tracking system  
34           for the purposes of entering, updating and tracking the status and location of the  
35           kit.'

36           Amend the bill in section 2 in §2915-A by striking out all of subsection 5 (page 3, lines  
37           12 to 34 in L.D.) and inserting the following:

38           '**5. Report.** The department shall report to the joint standing committee of the  
39           Legislature having jurisdiction over criminal justice and public safety matters and the  
40           Governor by January 1, 2026, and annually thereafter, regarding the tracking system. The  
41           report may include recommendations from the department for improved operation of the

1 tracking system and must include the following information, identified by the county from  
2 which a forensic examination kit was entered into the tracking system:

3 A. The number of reported kits and the number of anonymous kits in the tracking  
4 system and, of those kits, the number on which analysis has been completed and the  
5 number on which analysis has not been completed;

6 B. The number of reported kits and the number of anonymous kits entered into the  
7 tracking system during the prior calendar year and, of those kits, the number on which  
8 analysis has been completed and the number on which analysis has not been completed;

9 C. The average and median lengths of time for forensic examination kits to be sent for  
10 analysis after being entered into the tracking system and for analysis to be completed;  
11 and

12 D. The number of reported forensic examination kits entered into the tracking system  
13 for more than one year for which analysis has not been completed.

14 The State Police and any other law enforcement agency that performs its duties in more  
15 than one county shall provide to the department tracking information for each county where  
16 a forensic examination kit was entered into the tracking system.'

17 Amend the bill by striking out all of section 3 and inserting the following:

18 '**Sec. 3. 25 MRSA §3821, 2nd ¶**, as amended by PL 2023, c. 236, §1, is further  
19 amended to read:

20 If an alleged victim of sexual assault or strangulation has a forensic examination and  
21 has not reported the alleged offense to a law enforcement agency when the examination is  
22 complete, the licensed hospital or licensed health care practitioner that completed the  
23 forensic examination shall notify the nearest law enforcement agency. That law  
24 enforcement agency shall transport the completed forensic examination kit, identified only  
25 by a tracking number assigned by the kit manufacturer, to its evidence storage facility. If  
26 an alleged victim of sexual assault or strangulation has a forensic examination and has  
27 reported the alleged offense to a law enforcement agency when the examination is  
28 complete, or the alleged victim reports the alleged offense after the forensic examination  
29 kit has been transported to the nearest law enforcement agency, the law enforcement agency  
30 investigating the offense shall take possession of that kit. ~~The~~ A law enforcement agency  
31 shall store the forensic examination kits involving sexual assault for 20 years and forensic  
32 examination kits involving only strangulation for 6 years, regardless of whether the alleged  
33 offense relating to the kit is reported to a law enforcement agency. ~~If during that storage~~  
34 period the alleged victim reports the offense to a law enforcement agency, the investigating  
35 agency shall take possession of the forensic examination kit.

36 **Sec. 4. Sexual assault forensic examination kit inventory.** By June 1, 2025,  
37 all law enforcement agencies that receive, maintain, store or preserve forensic examination  
38 kits shall complete an inventory of all kits in their possession and shall report their findings  
39 to the Department of Public Safety. At a minimum, reported findings to the department  
40 must include a breakdown by year by each agency of the number of:

- 41 1. Reported and anonymous kits received;
- 42 2. Reported kits that were never analyzed; and
- 43 3. Reported kits returned after analysis.

1 The department shall compile all agency findings and present a report of the inventory  
2 by January 1, 2027 to the joint standing committee of the Legislature having jurisdiction  
3 over criminal justice and public safety matters. At the same time, the department shall post  
4 the report on its publicly accessible website.

5 **Sec. 5. Stakeholder group.** Upon the completion of the one-year United States  
6 Department of Justice Services, Training, Officers, and Prosecutors Violence Against  
7 Women Formula Grant Program funded pilot project to identify and implement resources  
8 necessary to establish a tracking system for sexual assault forensic examination kits from  
9 Kennebec and Penobscot counties, the Department of Public Safety shall convene a  
10 stakeholder group to assist the department in the implementation of the sexual assault  
11 forensic examination kit tracking program established in the Maine Revised Statutes, Title  
12 25, section 2915-A. The stakeholder group shall consist of, at a minimum, one person  
13 representing municipal law enforcement agencies, one person representing sheriff's offices  
14 and one person representing campus law enforcement agencies.

15 **Sec. 6. Effective date.** That section of this Act that enacts the Maine Revised  
16 Statutes, Title 25, section 2915-A takes effect January 1, 2026.'

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

## 19 SUMMARY

20 This amendment, which is the minority report of the committee, does the following.

21 1. It clarifies that all completed sexual assault forensic examination kits must be stored  
22 by a law enforcement agency for 20 years and all completed strangulation forensic  
23 examination kits must be stored for 6 years, regardless of whether or not the alleged victim  
24 reported an alleged offense to a law enforcement agency.

25 2. It amends the information required to be collected by the sexual assault forensic  
26 examination kit tracking system established by the Department of Public Safety and the  
27 requirements for law enforcement agencies, licensed health care providers and crime  
28 laboratories to ensure that the required information is recorded in the tracking system.

29 3. It changes the date that the department must submit its annual report regarding the  
30 tracking system to January 1st and the date of the first annual report to January 1, 2026.

31 4. It clarifies that the department's annual report must include data on both reported  
32 and anonymous kits entered into the tracking system.

33 5. It changes the date that the department must submit the kit inventory to January 1,  
34 2027.

35 6. It requires the department to, upon the completion of the United States Department  
36 of Justice Services, Training, Officers, and Prosecutors Violence Against Women Formula  
37 Grant Program funded pilot project to identify and implement resources necessary to  
38 establish a tracking system for sexual assault forensic examination kits from Kennebec and  
39 Penobscot counties, establish a stakeholder group consisting of, at a minimum,  
40 representatives from municipal law enforcement, county law enforcement and campus law  
41 enforcement to assist the department in the implementation of the program.

1           7. It changes the effective date of the provisions in the bill creating a new sexual assault  
2 forensic examination kit tracking system to January 1, 2026.

3

**FISCAL NOTE REQUIRED**

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**(See attached)**