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**JUDICIARY**

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**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 199, L.D. 549, “An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Update Certain Requirements Regarding Sexual Assault Forensic Examination Kits”

Amend the bill by inserting after the title and before the emergency preamble the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure; and'

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

**'Sec. 1. 24 MRSA §2986, sub-§3,** as amended by PL 2025, c. 109, §3, is further amended to read:

**3. Completed kit.** If the 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 & 20 years. The completed kit may be identified only by the tracking number. If during that storage period a victim decides to report the alleged offense to a law enforcement agency, the victim may contact the hospital or health care practitioner to determine the tracking number. The hospital or health care practitioner shall provide the victim with the tracking number on the forensic examination kit and shall inform the victim which law enforcement agency is storing the kit.

If the 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.

**COMMITTEE AMENDMENT**

1 If an examination is performed under subsection 5 and the victim does not, within 60 days,  
2 regain a state of consciousness adequate to decide whether or not to report the alleged  
3 offense, the State may file a motion in the District Court relating to the storing or processing  
4 analysis of the forensic examination kit. Upon finding good cause and after considering  
5 factors, including, but not limited to, the possible benefits to public safety in processing  
6 analyzing the kit and the likelihood of the victim's regaining a state of consciousness  
7 adequate to decide whether or not to report the alleged offense in a reasonable time, the  
8 District Court may order either that the kit be stored for additional time or that the kit be  
9 transported to the Maine State Police Crime Laboratory for processing analysis in  
10 accordance with the laboratory's practices and procedures, or such other disposition that  
11 the court determines just. In the interests of justice or upon motion by the State, the District  
12 Court may conduct hearings required under this paragraph confidentially and in camera  
13 and may impound pleadings and other records related to them.

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

17 **Sec. 2. 25 MRSA §2915-B** is enacted to read:

18 **§2915-B. Sexual assault forensic examination kit tracking system**

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

21 A. "Crime laboratory" means the Maine State Police Crime Laboratory located in  
22 Augusta or another accredited laboratory that provides forensic services to law  
23 enforcement agencies for the purpose of analyzing forensic examination kits.

24 B. "Department" means the Department of Public Safety.

25 C. "Forensic examination kit" or "kit" means a uniform standardized forensic  
26 examination kit developed by the department pursuant to section 2915, subsection 1  
27 for evidence collection by a licensed health care provider in alleged cases of sexual  
28 assault.

29 D. "Law enforcement agency" means the State Police, a county law enforcement  
30 agency or a municipal law enforcement agency.

31 E. "Licensed health care provider" means:

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

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

36 F. "Sexual assault" means any crime enumerated in Title 17-A, chapter 11.

37 G. "Tracking system" means the forensic examination kit tracking system established  
38 by the department pursuant to subsection 2.

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

1 hospitals and licensed health care providers that perform forensic examinations for victims  
2 of sexual assault.

3 A. The department shall operate and maintain the tracking system through the use of  
4 department personnel and resources and may contract with public or private entities,  
5 including, but not limited to, software and technology providers, to accomplish the  
6 department's duties related to the tracking system.

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

10 (1) A crime laboratory shall enter into the tracking system each new and unused  
11 kit and record each kit's intended destination before the kit leaves the possession  
12 of the crime laboratory.

13 (2) A licensed health care provider shall enter into the tracking system:

14 (a) The date the licensed health care provider receives each kit from a crime  
15 laboratory;

16 (b) The date a particular kit is used for evidence collection, is discarded based  
17 on damage to the kit or is used for training; and

18 (c) The date a completed kit is transferred to a law enforcement agency, the  
19 name of the law enforcement agency to which the kit was transferred and, to  
20 the extent known to the licensed health care provider, whether the victim of  
21 sexual assault from whom the forensic evidence in the kit was collected has  
22 reported the alleged offense to a law enforcement agency.

23 (3) A law enforcement agency shall enter into the tracking system:

24 (a) The date the law enforcement agency receives a completed kit, the location  
25 where that kit is being stored and, to the extent known by the law enforcement  
26 agency, whether the victim of sexual assault from whom the forensic evidence  
27 in the kit was collected has reported the alleged offense to a law enforcement  
28 agency;

29 (b) The date the law enforcement agency transfers a completed kit to a crime  
30 laboratory and the name of the crime laboratory to which the kit was  
31 transferred; and

32 (c) The date the law enforcement agency reports to a prosecuting attorney that  
33 a forensic examination has been performed pursuant to Title 24, section 2986.

34 (4) A crime laboratory shall identify when it has conducted an analysis of a  
35 completed kit and enter into the tracking system the date of the analysis.

36 (5) A law enforcement agency that receives a kit after analysis from a crime  
37 laboratory shall enter into the tracking system the date it received the kit and  
38 whether that kit was stored or destroyed.

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

41 (1) A victim of sexual assault from whom forensic evidence has been collected  
42 using a kit must have access to the tracking system on an anonymous and secure

1 basis for the purposes of receiving updates regarding the kit and tracking the status  
2 of the kit.

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

7 **3. Participation required.** Law enforcement agencies, licensed health care providers,  
8 crime laboratories and prosecuting attorneys in the State shall participate in the tracking  
9 system on the schedule and in the manner required by department rules adopted pursuant  
10 to subsection 7.

11 **4. Immunity.** A person or entity required by subsection 3 to participate in the tracking  
12 system is immune from civil liability for actions taken as a participant that are required by  
13 subsection 3 or by rules adopted pursuant to subsection 7.

14 **5. Confidentiality.** The tracking system and all information in the tracking system is  
15 confidential.

16 **6. Report.** The department shall report to the joint standing committee of the  
17 Legislature having jurisdiction over criminal justice and public safety matters and the  
18 Governor by January 1, 2027, and annually thereafter, regarding the tracking system. The  
19 report may include recommendations from the department for improved operation of the  
20 tracking system and must include the following information, identified by the county from  
21 which a forensic examination kit was entered into the tracking system:

22 A. The number of completed kits in the tracking system, including:

23 (1) The number of completed kits for which a victim of sexual assault has reported  
24 the alleged offense to a law enforcement agency and, of those kits, the number on  
25 which analysis has been completed and the number on which analysis has not been  
26 completed; and

27 (2) The number of completed kits for which a victim of sexual assault has not  
28 reported the alleged offense to a law enforcement agency, and, of those kits, the  
29 number on which analysis has been completed and the number on which analysis  
30 has not been completed;

31 B. The number of completed kits that were entered into the tracking system during the  
32 prior calendar year, including:

33 (1) The number of completed kits for which a victim of sexual assault has reported  
34 the alleged offense to a law enforcement agency and, of those kits, the number on  
35 which analysis has been completed and the number on which analysis has not been  
36 completed; and

37 (2) The number of completed kits for which a victim of sexual assault has not  
38 reported the alleged offense to a law enforcement agency, and, of those kits, the  
39 number on which analysis has been completed and the number on which analysis  
40 has not been completed;

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

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

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

6           7. Rules. The commissioner shall adopt rules to govern participation in and  
7           implementation of the tracking system. The rules must include provisions for maintaining  
8           confidentiality of tracking system information; provisions to ensure timely posting to the  
9           tracking system; a process for approving tracking system users and access for approved  
10           users; procedures for posting information and for updating information in the tracking  
11           system; and requirements for documentation of persons who have posted, accessed and  
12           updated information in the tracking system. Rules adopted pursuant to this subsection are  
13           routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

14           **Sec. 3. 25 MRSA §3821**, as amended by PL 2025, c. 109, §6, is further amended to  
15           read:

16           **§3821. Transportation and storage of forensic examination kits**

17           For the purposes of this section, "sexual assault" means any crime enumerated in Title  
18           17-A, chapter 11 and "strangulation" has the same meaning as in Title 17-A, section 208,  
19           subsection 1, paragraph C.

20           If a victim of sexual assault or strangulation has a forensic examination and has not  
21           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. ~~The~~  
26           ~~law enforcement agency shall store the forensic examination kits involving sexual assault~~  
27           ~~for 20 years and forensic examination kits involving only strangulation for 6 years. If~~  
28           ~~during that storage period the victim reports the offense to a law enforcement agency, the~~  
29           ~~investigating agency shall take possession of the forensic examination kit.~~

30           If a victim of sexual assault or strangulation has a forensic examination and has  
31           reported the alleged offense to a law enforcement agency when the forensic examination is  
32           complete, or the victim reports the alleged offense after the forensic examination kit has  
33           been transported to the nearest law enforcement agency, the law enforcement agency  
34           investigating the alleged offense shall take possession of that kit.

35           A law enforcement agency shall store the forensic examination kits involving sexual  
36           assault for 20 years and forensic examination kits involving only strangulation for 6 years,  
37           regardless of whether the alleged offense relating to the kit is reported to a law enforcement  
38           agency.

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

1           **Sec. 4. 25 MRSA §3822** is enacted to read:

2           **§3822. Mandatory analysis of certain completed forensic examination kits**

3           If a forensic examination kit is completed after January 1, 2027, and the victim of  
4           sexual assault reports that alleged offense to a law enforcement agency, either by the time  
5           the forensic examination is complete or during the storage period of that kit, the completed  
6           forensic examination kit must be transferred to a crime laboratory for analysis in  
7           accordance with laboratory practice and procedure unless the victim specifically requests  
8           that the kit not be analyzed. For purposes of this section, "crime laboratory" has the same  
9           meaning as in section 2915-B, subsection 1, paragraph A and "sexual assault" means any  
10           crime enumerated in Title 17-A, chapter 11.

11           **Sec. 5. Sexual assault forensic examination kit inventory.** By June 1, 2026,  
12           all law enforcement agencies that receive, maintain, store or preserve sexual assault  
13           forensic examination kits shall complete an inventory of all kits in their possession and  
14           shall report their findings to the Department of Public Safety. At a minimum, reported  
15           findings to the department must include a breakdown by year by each agency of the number  
16           of:

17           1. Completed kits received, including a breakdown of the number of these kits for  
18           which a victim of sexual assault has reported the alleged offense to a law enforcement  
19           agency and the number of these kits for which the victim of sexual assault has not reported  
20           the alleged offense to a law enforcement agency;

21           2. Completed kits for which a victim of sexual assault has reported the alleged offense  
22           to a law enforcement agency and the kit has not been analyzed by a crime laboratory. For  
23           purposes of this section, "crime laboratory" has the same meaning as in the Maine Revised  
24           Statutes, Title 25, section 2915-B, subsection 1, paragraph A; and

25           3. Completed kits that have been returned to the law enforcement agency after analysis  
26           by a crime laboratory.

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

31           **Sec. 6. Appropriations and allocations.** The following appropriations and  
32           allocations are made.

33           **PUBLIC SAFETY, DEPARTMENT OF**

34           **State Police 0291**

35           Initiative: Provides funding for one Forensic Chemist II position, one Forensic Chemist I  
36           position, 2 DNA Forensic Analyst positions and related costs to operate and maintain a  
37           sexual assault forensic examination kit tracking system, perform an inventory of all kits  
38           and develop an annual report on the tracking system.

39 <b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
40           POSITIONS - LEGISLATIVE COUNT	4,000	4,000
41           Personal Services	\$289,930	\$372,002
42           All Other	\$82,454	\$42,154
43	_____	_____

