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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 707, L.D. 1816, “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 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 8 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.

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) Prosecuting attorneys in the State must have access to the tracking system for
8 the purpose of receiving updates regarding the kits and tracking the status of the
9 kits.

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

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

17 **5. Confidentiality.** The tracking system and all information in the tracking system is
18 confidential.

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

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

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

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

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

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

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

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

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

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

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

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

19 **§3821. Transportation and storage of forensic examination kits**

20 For the purposes of this section, "sexual assault" means any crime enumerated in Title
21 17-A, chapter 11 and "strangulation" has the same meaning as in Title 17-A, section 208,
22 subsection 1, paragraph C.

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

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

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

42 In the case of a forensic examination performed under Title 24, section 2986,
43 subsection 5, the law enforcement agency must immediately notify the district attorney for
44 the district in which the hospital or health care practitioner is located that such a forensic

examination has been performed and a forensic examination kit has been completed under Title 24, section 2986, subsection 5.

Sec. 4. Sexual assault forensic examination kit inventory. By June 1, 2026, all law enforcement agencies that receive, maintain, store or preserve sexual assault forensic examination kits shall complete an inventory of all kits in their possession and shall report their findings to the Department of Public Safety. At a minimum, reported findings to the department must include a breakdown by year by each agency of the number of:

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

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

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

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

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

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

| GENERAL FUND | 2025-26 | 2026-27 |
|-------------------------------|------------------|------------------|
| POSITIONS - LEGISLATIVE COUNT | 2.000 | 2.000 |
| Personal Services | \$146,877 | \$151,978 |
| All Other | \$80,389 | \$64,139 |
| Capital Expenditures | \$26,000 | \$0 |
| GENERAL FUND TOTAL | \$253,266 | \$216,117 |

| HIGHWAY FUND | 2025-26 | 2026-27 |
|----------------------|----------------|----------------|
| Personal Services | \$79,088 | \$81,834 |
| All Other | \$43,287 | \$34,537 |
| Capital Expenditures | \$14,000 | \$0 |

| | | | |
|---|--------------------|-----------|-----------|
| 1 | HIGHWAY FUND TOTAL | \$136,375 | \$116,371 |
| 2 | ' | | |

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

5 **SUMMARY**

6 This amendment, which is the minority report of the committee, adds a mandate
7 preamble and makes technical changes to the provisions of the bill requiring the
8 Department of Public Safety to maintain a tracking system for all completed forensic
9 examination kits to add clarity, including by clarifying that a completed forensic
10 examination kit may be processed by either the Maine State Police Crime Laboratory
11 located in Augusta or another accredited laboratory that provides forensic services to law
12 enforcement agencies for the purpose of analyzing forensic examination kits. The
13 amendment also adds an appropriations and allocations section.

14 **FISCAL NOTE REQUIRED**

15 **(See attached)**