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February 26, 2025

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Committee on Judiciary
100 State House Station
Augusta, Maine 04333

Re: L.D. 412, *An Act to Prohibit the Sale or Provision of Self-Administered Sexual Assault Forensic Evidence Collection Kits.*

Greetings, Senator Carney, Representative Kuhn and esteemed members of the Committee on Judiciary, I am writing today to in support of L.D. 412, *An Act to Prohibit the Sale or Provision of Self-Administered Sexual Assault Forensic Evidence Collection Kits.*

L.D. 412 will help protect the integrity of sexual assault investigations and prosecutions and prevent sexual assault survivors from being revictimized by companies seeking to deceive them and exploit their vulnerability for profit.

Maine has a well-established process for collecting and testing sexual assault forensic evidence, a process the Legislature delegated to the Department of Public Safety and the Sexual Assault Forensic Examiner ("SAFE") Advisory Board. The Legislature also ensured that survivors can access a SAFE at a medical facility for free through the Victims' Compensation Program administered by my office.

Law enforcement, prosecutors, lab personnel, medical professionals, and advocates have vetted and honed the SAFE kit process over decades. When SAFE kits are provided to hospitals by the crime lab, evidence is collected by certified medical professionals, and completed kits are transported and stored by law enforcement and tested by expert chemists in the crime lab, we accomplish two essential outcomes: a clear chain of custody is established, and the accuracy and

reliability of any test results are assured. To secure convictions, prosecutors need the most accurate and reliable evidence possible. The more opportunities available for tampering, mishandling, human error, or bias in evidence collection and testing, the more difficult it becomes for prosecutors to prove to a jury beyond a reasonable doubt that the perpetrator is guilty of a crime.

A survivor who self-administers an evidence collection kit hoping to preserve evidence for prosecution not only compromises that goal but also misses the opportunity for a certified SAFE exam that could accomplish the desired outcome. Survivors also miss the opportunity for medical care, the support of a trained sexual assault forensic examiner, and making a connection with a survivor advocate.

It is also important to protect Mainers from deceptive trade practices and to vindicate the harm that unfair trade practices cause. Enticing a sexual assault survivor to pay money for a self-administered evidence collection kit that can never meet the same legal and medical standards as a free, Maine SAFE kit is a commercial practice appropriate to regulate.

Therefore, I ask that you vote Ought to Pass on L.D. 412 and stop companies from selling these ineffective and harmful kits in the State of Maine.

Sincerely,

A handwritten signature in black ink that reads "Aaron M. Frey". The signature is written in a cursive, flowing style.

Aaron M. Frey
Attorney General