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MAINE PROSECUTORS ASSOCIATION
MAEGHAN MALONEY, PRESIDENT

“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”
Before the Joint Standing Committee on Criminal Justice and Public Safety
Public Hearing Date: January 29, 2024
Testimony in Support of LD 2129

Senator Beebe-Center, Representative Salisbury and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Maeghan Maloney, I am the District Attorney of Kennebec and Somerset Counties and the President of the Maine Prosecutors Association. I am here to testify in support of LD 2129.

Unfortunately, Maine is very behind times. Thirty two states and Washington D.C. have enacted legislation requiring the creation of sexual assault forensic exam (SAFE) kit tracking systems. This is a very important first step in a long road to get Maine caught up with other states on how we support survivors of sexual abuse. There has been much collaboration on this bill with sexual assault agencies, prosecutors, medical providers, law enforcement, and many others to come up with a comprehensive and step by step approach that is trauma-informed and a sustainable expansion of SAFE kit testing.

LD 2129 is the first step we need to take by implementing a SAFE kit tracking system and inventorying all of our SAFE kits in the possession of law enforcement agencies. This will allow survivors of sexual assault to be able to see where their kit is and for all of us to grasp the number of untested kits that are out there. This first step will guide what resources are needed and the approach going forward. In the past, SAFE kits weren't tested for a variety of reasons including if the only question in the case was about consent, not about the identity of the suspect.¹ For example, both the defendant and victim agree that a sexual act took place, but do not agree if the victim consented to the sexual act. Those are the kinds of SAFE kits that were not always being tested. But evidence is now showing that even in these cases testing the kits can lead to the discovery that the accused has more than one allegation of sexual assault where the accused claimed it was consensual. Prosecutors around the State have become more educated on this topic and all of the District Attorneys recently agreed that all reported SAFE kits should be tested going forward.²

Prosecutors are committed to best practices in investigating and prosecuting sexual violence cases. Best practices are informed collaboratively with data to support ongoing efforts. That is exactly what this bill does.

For these reasons, the Maine Prosecutors Association is in support of 2129.

¹ A very high percentage of our sexual assaults the assailant is known to the victim.

² This expansion needs to happen at the rate allowable by the Maine State Police Crime Laboratory.