



Janet T. Mills  
Governor

STATE OF MAINE  
**Maine State Police Crime Laboratory**  
26 Hospital Street  
133 State House Station  
Augusta, Maine  
04333-0133

*A Nationally Accredited Laboratory*



Lt. Michael Zabarsky  
Director

LD 412

**Testimony of Lieutenant Michael Zabarsky**  
**132nd First Regular Session**

**An Act to Prohibit the Sale or Provision of Self-Administered Sexual Assault Forensic Evidence Collection Kits**

Senator Carney and Representative Kuhn, and honorable members of the Judiciary Committee, my name is Lieutenant Mike Zabarsky, Director of the Maine State Police Crime Laboratory, and I am testifying in support of this bill.

By statute, the Maine State Police Crime Laboratory provides sexual assault forensic examination kits to hospitals throughout the State of Maine. These kits are administered by trained medical professionals who can provide comprehensive patient care at no cost, and the assault does not need to be reported to law enforcement for a kit to be collected. Utilizing these standardized, state-issued kits and adhering to the evidence collection instructions with fidelity in a controlled environment, trained medical professionals help avoid cross-contamination, maintain the chain of custody of the evidence collected, and protect the integrity of investigations and subsequent prosecutions.

These kits administered by trained medical professionals are admissible in court because they are trained to follow a consistent, reliable protocol that maintains the chain of custody and protects the integrity of the underlying evidence for subsequent forensic testing, investigation, and potential prosecution.

Additionally, the Crime Lab does not process self-administered kits because any DNA collected is not eligible to be entered into CODIS, the national DNA database that can match perpetrators to convicted offenders and other crime scenes in Maine and throughout

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the United States. As a result, the sale or provision of self-administered sexual assault forensic examination kits should be prohibited because they are not viable alternatives to the kits administered in a hospital setting by healthcare providers trained to properly collect evidence from sexual assaults.

Ultimately, the sale or provision of self-administered kits can create false expectations for survivors of successful investigations and prosecutions and suggest that survivors do not need timely medical treatment and follow up, or law enforcement and judicial services, or other helpful community resources. Therefore, by allowing the sale of self-administered kits, we are weakening the State's capacity to identify and prosecute people who repeatedly perpetrate sexual violence and other violent crimes.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and am happy to answer any questions that you might have.

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