

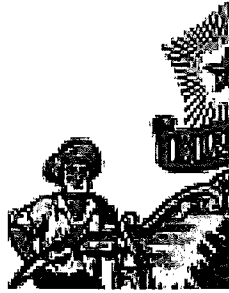
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MAINE PROSECUTORS ASSOCIATION SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Update Certain Requirements Regarding Sexual Assault Forensic Examination Kits”
Before the Joint Standing Committee on Judiciary
Public Hearing Date: February 26, 2025
Testimony in Support of LD 549 as amended

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in support of LD 549.

This is one of those bills, if at first you don’t succeed, try, try again. Even though enacting legislation of a Sexual Assault Forensic Examination kit tracking system went unfunded last legislative session, stakeholders continued to meet and are committed to seeing this initiative out.

This is one of those instances where 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 system. These systems allow survivors of sexual assault to be able to track their kit through an online tracking portal.

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. That means a victim endured a SAFE exam, reported to law enforcement what happened, and their SAFE kit sits in storage never being tested. The victim may have not been told that nothing was done with the SAFE kit that was collected.

Evidence shows us that even in these cases, testing the kits can lead to discover that the accused has more than one allegation of sexual assault. Prosecutors and investigators can connect patterns and admit that evidence in trial pursuant to M.R. Evid. 404b.² Prosecutors around the State have become more educated on this topic and all of the District Attorneys agreed that all reported SAFE kits should be tested going forward.³

For these reasons, the Maine Prosecutors Association is in support of LD 549.

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

² *State v. Wyman*, 270 A.2d 460 (Me. 1970) (evidence of other crime or precisely similar nature admissible to show intent).

³ Collaborating with the Maine State Police Crime Laboratory regarding capacity.