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MCASA Supports Rape Kit Reform Package

Bills Would Improve Maryland's Response to Sexual Assault Survivors

Silver Spring, Md., February 11, 2019 — A package of bills have been introduced in the Maryland General Assembly to improve how the state handles sexual assault forensic exams, commonly called “rape kits.” Sexual assault forensic exams collect evidence from the victim immediately after a rape and can be crucial to successful prosecution.

The Maryland Coalition Against Sexual Assault (MCASA) advocates for improvements to the forensic exam system to ensure survivors who undergo exams are treated with respect and receive the care they need. “Our current SAFE system fails too many survivors by neglecting to test kits, inadequately protecting privacy, and refusing to provide HIV prevention for rape survivors,” said Lisae C Jordan, Executive Director & Counsel at MCASA, “We are grateful to this group of legislators for coming together to improve the laws on rape kits.”

The package of Rape Kit Reform bills include:

- **HIV Prevention for Rape Victims.** There is medication that will prevent HIV if it is administered within 72 hours of exposure and taken for 28 days. SB657/HB1249 would mandate that rape survivors who want the medication will be provided with a full course of treatment as part of a forensic exam. Sponsors: Senator Nancy King and Delegate Kirill Reznick.
- **Rape Kit Reimbursement: Use of Science, Victim Privacy.** This bill prohibits the State from requiring a graphic description of a sexual assault as a condition of reimbursement for performing a forensic exam. It will also change reimbursement rules so they are based on current forensic science. HB1248/SB___ Sponsors: Delegate Sandy Bartlett and Senator Jeff Waldstreicher.
- **Mandatory Testing of Rape Kits.** Two bills have been introduced to ensure all rape kits are tested: one mandating testing and the other providing necessary funding. HB1096/SB767 and HB1268/SB569. Sponsors: Delegate Shelly Hettleman, Senator Will Smith, and Senator Sarah Elfreth.
- **DNA Results in Court.** This bill allows introduction of evidence regarding DNA without the presence of lab personnel unless the defendant requests otherwise. HB372/SB369. Sponsors: Delegate Wanika Fisher and Senator Chris West.

Rape victims in Maryland can currently receive a forensic exam only in designated hospitals. When victims go to the correct facility, the forensic exam and emergency hospital treatment are required by law to be paid for by the Criminal Injuries Compensation Board. Maryland's forensic exam process has long needed improvements and the Attorney General's Sexual Assault Evidence Kit Funding and Policy Committee issued a [report](#) recommending changes this January. The report addresses many of the reforms being proposed. Senator Nancy King, Chair of the Budget and Tax Committee and sponsor of the bill to help prevent HIV for rape survivors, praised the effort, saying, "I look forward to working with all of my colleagues – both female and male -- to pass comprehensive sexual assault evidence kit reform. Survivors who endure the hours long rape kit examination should be supported in every way we can."

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