

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 669

(Senator Hettleman, *et al.*)

Judicial Proceedings

Judiciary

Public Safety - Rape Kit Testing - Tracking Program and Grant Fund

This bill makes changes to the Rape Kit Testing Grant Fund and the Sexual Assault Evidence Collection Kit Tracking Program. The bill (1) expands the stated purpose and authorized uses of the fund to include, among other things, providing funding to the Office of the Attorney General (OAG) to assist law enforcement agency investigations of crimes involving sexual assault evidence collection kits collected before a certain date that have not been tested; (2) alters the requirements of the Executive Director of the Governor's Office of Crime Prevention and Policy (GOCPP) regarding the distribution of funds; (3) authorizes grant awards to be made for a period of up to 36 months; and (4) prohibits the fund from being used to support the Sexual Assault Evidence Collection Kit Tracking Program. The bill also extends the deadline, from December 31, 2025, to March 31, 2026, for a law enforcement agency or a person, including a health care provider, forensic laboratory, or State's Attorney, to submit specified information related to sexual assault evidence collection kits to the tracking program.

Fiscal Summary

State Effect: Special fund expenditures for GOCPP increase beginning in FY 2026 to the extent additional funds are disbursed due to the bill's changes, as discussed below. Grant revenues (and corresponding expenditures) for OAG increase beginning in FY 2026. The bill is not otherwise anticipated to materially affect State finances, though the Department of State Police (DSP) may benefit from the bill's changes, as discussed below.

Local Effect: Local law enforcement agencies benefit from any assistance provided by OAG under the bill and the authorization for grant awards to be made for a period of up to 36 months. Local entities also benefit from the extended reporting deadline. The bill is not otherwise anticipated to materially affect local government finances, as discussed below.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill expands the stated purpose of the fund to include providing funding to (1) law enforcement agencies to pay for testing of sexual assault evidence collection kits by forensic laboratories, including equipment, supplies, personnel, and outsourcing (consistent with the existing authorized use of the fund under current law); (2) OAG to assist law enforcement agency investigations of crimes involving sexual assault evidence collection kits that were collected before October 1, 2020, and have not been tested; (3) the federally recognized State sexual assault coalition for a statewide sexual assault victim notification hotline and related personnel to provide victims of sexual assault with advocacy, support, information about untested rape kits, information about navigating the Sexual Assault Evidence Kit Tracking Program, and victims' rights information; and (4) peer-to-peer telehealth programs.

The fund may be used only for the stated purposes of the fund (as expanded by the bill). The bill makes related conforming changes.

The Executive Director of GOCPP must (1) ensure that funds are distributed to OAG and the federally recognized State sexual assault coalition each fiscal year until all sexual assault evidence collection kits collected before October 1, 2020, have been tested, or it has been determined that testing is not required, as specified, and (2) unless the appropriation to the fund is reduced or funding has been awarded from the National Sexual Assault Kit Initiative (SAKI) for the same purpose, ensure that funds distributed pursuant to this provision are not less than the amount distributed for the prior fiscal year. The bill also authorizes the executive director to make a grant from the fund for a period of up to 36 months.

Current Law:

Rape Kit Testing Grant Fund

Chapters 508 and 509 of 2019 established the Rape Kit Testing Grant Fund, a special fund administered by the Executive Director of GOCPP, with the stated purpose to provide law enforcement agencies with funding to pay for testing of sexual assault evidence collections kits by forensic laboratories. The executive director must (1) establish and publish procedures for the distribution of funding to law enforcement agencies; (2) ensure each jurisdiction in the State that has a forensic laboratory is able to access the fund; (3) consider the number of sexual assault incidents that were investigated by a law enforcement agency in the prior fiscal year when distributing funding; and (4) submit an annual report on the distribution of funding to the General Assembly by September 1 each year. The most recent annual report can be found [here](#).

The fund consists of money appropriated in the State budget, interest earnings, and any other money accepted for the benefit of the fund. The fund may only be used for equipment, supplies, personnel, and outsourcing necessary for the testing of sexual assault evidence kits in forensic laboratories; however, the fund may be used for equipment, supplies, personnel, and outsourcing necessary for the testing of sexual assault evidence collection kits collected before or after the establishment of the fund.

Expenditures from the fund may be made only in accordance with the State budget. Money expended from the fund for testing of sexual assault evidence collection kits is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for testing of sexual assault evidence collection kits. The fiscal 2026 budget as introduced includes \$3.5 million for the fund.

Sexual Assault Evidence Collection Kit Tracking Program

Chapters 704 and 705 of 2023 established the Sexual Assault Evidence Collection Kit Reporting Program (also referred to as the tracking program or tracking system). Administered by GOCPP, the reporting program tracks the location, status, and chain of custody of sexual assault evidence collection kits. The reporting program must (1) track the location, status, and chain of custody of sexual assault evidence collection kits in the State; (2) receive information relating to the location, status, and chain of custody from any law enforcement agency or person with control or possession of a kit; and (3) allow for a victim or a victim's representative to track the location, status, and chain of custody of a kit containing samples taken from the victim.

Beginning October 1, 2023, a law enforcement agency or any person that has control or possession of a sexual assault evidence collection kit, including a health care provider, forensic laboratory, or State's Attorney, must (1) report location, status, and chain of custody information to the reporting program in a manner required by GOCPP and (2) comply with all regulations developed by GOCPP under the reporting program. A law enforcement agency or a person that had control or possession of a sexual assault evidence collection kit before October 1, 2023 – or has control or possession of a kit on or after October 1, 2023 – must report location, status, and chain of custody information to the reporting program by December 31, 2025.

Sexual Assault Forensic Exams Conducted through Peer-to-Peer Telehealth

Chapters 832 and 833 of 2024 require, among other things, specified health care providers to provide sexual assault forensic exams conducted through peer-to-peer telehealth without charge to victims and makes those services eligible for reimbursement by the Criminal Injuries Compensation Board.

State Fiscal Effect: Special fund expenditures from the Rape Kit Testing Grant Fund within GOCPP increase to the extent additional funds are disbursed due to the bill's expansion of the authorized uses of the fund. However, a reliable estimate of any increase in special fund expenditures cannot be made, as the amount of funding provided to OAG, to the Maryland Coalition Against Sexual Assault (the federally recognized State sexual assault coalition), and to support peer-to-peer telehealth programs cannot be predicted in advance. For context, however, GOCPP advises that the Rape Kit Testing Grant Fund typically carries a significant fund balance between fiscal years. For example, at the end of fiscal 2024, the fund balance totaled \$3,975,666. Accordingly, it is likely that GOCPP disburses *additional* funding under the bill rather than redirecting grant awards from currently eligible recipients.

The bill's authorization for GOCPP to award grants for a period of up to 36 months does not necessarily result in an increase in spending from the fund in any given year, though depending on how GOCPP chooses to make grant awards under this new authorization, it could. (Currently, grant awards are made for a period of 12 months.)

As a targeted recipient of funding under the bill, OAG grant revenues (and corresponding expenditures) increase due to the receipt of funding from the fund to assist law enforcement agencies with their investigations of crimes involving sexual assault evidence collection kits that were collected before October 1, 2020, and have not been tested. As noted above, a reliable estimate of any such increase cannot be made in advance.

OAG advises that it currently uses funds from the federal fiscal 2021 SAKI award of \$2.5 million to hire investigators to assist law enforcement agencies with the investigation of cases involving sexual assault evidence collection kits. According to GOCPP, as of February 2025, approximately \$1.9 million remains available for use. To the extent future SAKI awards are eliminated, OAG advises that – under the bill – it will use the funding provided from the Rape Kit Testing Grant Fund to supplant the loss of federal funds. OAG further advises that if the State continues to receive future SAKI awards, it will use the funding provided under the bill to hire additional contractual investigators to assist law enforcement agencies.

Under current law, law enforcement agencies are eligible for funding from the Rape Kit Testing Grant Fund to pay for testing of sexual assault evidence collection kits by forensic laboratories. Given the significant fund balance that typically exists between fiscal years, it is assumed that the bill does not result in a material decrease in grant funding provided to DSP for the testing of sexual assault evidence collection kits. In fact, DSP may benefit from the bill's authorization for GOCPP to award grants from the fund for a period of up to 36 months. DSP also benefits from the extended deadline for reporting specified information to the Sexual Assault Evidence Collection Kit Tracking Program.

GOCPP can implement the bill's changes with existing staff.

Local Fiscal Effect: Local law enforcement agencies benefit from any assistance provided by OAG with respect to investigations of crimes involving sexual assault evidence collection kits that were collected before October 1, 2020, and have not been tested. Local law enforcement agencies and State's Attorneys' offices also benefit from the extended deadline for reporting specified information to the Sexual Assault Evidence Collection Kit Tracking Program.

Under current law, local law enforcement agencies are eligible for funding from the Rape Kit Testing Grant Fund to pay for testing of sexual assault evidence collection kits by forensic laboratories. To the extent that grant awards made to support the expanded uses of the fund under the bill displace any funding that would otherwise be awarded to local law enforcement agencies, local grant revenues (and corresponding expenditures) decrease. However, given the significant fund balance that typically exists between fiscal years, it is assumed that the bill does not result in a material decrease in grant funding provided to local law enforcement agencies. In fact, local law enforcement agencies may benefit from the bill's authorization for GOCPP to award grants from the fund for a period of up to 36 months.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 675 (Delegate Bartlett, *et al.*) - Judiciary.

Information Source(s): Harford, Montgomery, and Talbot counties; Maryland Association of Counties; Maryland Municipal League; Office of the Attorney General; Governor's Office of Crime Prevention and Policy; Maryland Department of Health; Department of State Police; Department of Legislative Services

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