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**Maryland Sexual Assault Evidence Kit  
Policy and Funding Committee  
Thursday, January 17, 2019  
3:30 pm – 5:30 pm  
House of Delegates Building  
6 Bladen Street  
Room 150  
Annapolis, MD 21401**

**MEETING MINUTES**

*In attendance:* Barbara Darby, Carrie Williams, Claire Kelleher-Smith, Daniel Katz, Del. Jon Cardin, Del. Shelly Hettleman, Del. Susan McComas, Donald Hogan, Donna “Melynda” Clarke, Erin Dorrien, Heather Amador, Jane Krienke, Jennifer Witten, Jessica Volz, Jessica Williams, Jody Oslund, Juan Melgar, Lieutenant Jordan Satinsky, Lieutenant Russell Trow, Lisae Jordan, Melissa Einhorn, Noah Karn, Nora Hoban, Randi Walters, Renee Donald, Sen. Delores G. Kelley, Sharon Rogers, Steven O’Dell, Tianna Mays, Zenita Wickham Hurley

*Committee Meeting*

**Welcome & Opening Comments by Carrie Williams, Chair**

The Chair welcomed everyone and acknowledged the forensic nurse examiners who were present.

**2019 SAEK Legislation—Testing Criteria**

Assistant Attorney General and Chief Counsel for Civil Rights, Zenita Wickham Hurley, led the discussion of the testing criteria. The Committee focused on finalizing intricate details regarding its proposed testing criteria. Most notably, the Committee discussed whether there should be a time limit wherein sexual assault evidence kits must be tested (e.g. testing must be completed by the lab within 3 months of receipt). Those who opposed the time limit noted that the time constraint would not be enforceable. They also expressed concern that the time limit would cause labs to incur a backlog with respect to other (non-sexual assault) cases. Those who supported the time limit emphasized the importance of prioritizing testing for victim crimes over victimless crimes. The Committee did not develop a consensus and ultimately agreed to table the discussion. The bill establishing the Committee’s testing criteria will be introduced by Delegate Shelly Hettleman during the 2019 legislative session.

### **2019 SAEK Legislation—Notice & Demand Statute**

The Committee Chair led the discussion of the Notice & Demand bill. The bill would govern chain of custody and confrontation clause issues in sexual assault trials. The bill would create a statutory bypass that would allow prosecutors to present DNA evidence without calling numerous live witnesses solely to establish the chain of custody. The defendant, however, would be allowed to demand the presence of these witnesses. This bill was introduced as House Bill 1125 during the 2018 legislative session. The bill passed the House with unanimous support, but unfortunately stalled in the Senate. The bill will be refiled during the 2019 legislative session and the Committee will again work to secure its passage.

### **2019 SAEK Legislation—HIV nPEP<sup>1</sup>**

Lisae Jordan, Executive Director and Counsel for the Maryland Coalition Against Sexual Assault, led the discussion of the HIV nPEP bill. In its preliminary recommendations, the Committee recommended that GOCCP provide the full 28-day HIV nPEP treatment for qualifying victims of sexual assault. The Committee discussed the various funding strategies to support the HIV nPEP bill. These strategies include a statewide polite program and engaging in direct negotiations with pharmaceutical companies. Representatives from GOCCP emphasized their Office's need to be fiscally responsible. GOCCP also suggested that the proposed pilot program be limited to certain jurisdictions, rather than the entire State. Some Committee members expressed concern with the limited jurisdiction pilot program, as the program may not produce accurate data and would be unfair to victims in the jurisdictions that are not selected for the program. The initial HIV nPEP bills were introduced as House Bill 639 and Senate Bill 731 during the 2018 legislative session. These bills unfortunately died due to fiscal concerns. The bills will be refiled during the 2019 legislative session.

### **Other Legislation**

The Committee Chair opened the meeting to allow Committee members to advise the Committee about any pending legislation that could potentially impact the Committee's agenda. Daniel Katz, Director of the Maryland State Police Forensic Science Unit, discussed House Bill 30 which would create a ban on genealogy DNA testing.

After the Committee discussed House Bill 30, the meeting was adjourned at approximately 5:15 PM. Following the meeting, the Committee held an informal legislative briefing to discuss the Committee's first annual report and address questions from legislators.

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<sup>1</sup> Human Immunodeficiency Virus ("HIV") non-occupational post-exposure prophylactic (nPEP) treatment is a form of medical intervention designed to prevent HIV infection after exposure to the virus.