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TO: The Honorable Bobby A. Zirkin, Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Marice I. Morales

FROM: Pamela Metz Kasemeyer  
Joseph A. Schwartz, III  
J. Steven Wise  
Danna L. Kauffman

DATE: March 31, 2015

RE: **SUPPORT ONLY IF AMENDED** – House Bill 382 – *Sexual Assault Survivors' Right to Know Act*

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On behalf of the American Congress of Obstetricians and Gynecologists, Maryland Section, (MDACOG), the Maryland State Medical Society (MedChi), and the Maryland Chapter of the American College of Emergency Physicians (MDACEP), we support House Bill 382, but only if amended.

House Bills 382 requires a health care provider who performs a sexual assault evidence collection kit exam on a potential victim to provide the victim or their representative with contact information for the law enforcement agency which will handle the case.

The above named organizations support the ability of a sexual assault victim to obtain this information from law enforcement. However, as drafted, House Bill 382 places the responsibility for providing this information upon the individual *provider* who performs the exam. We believe the responsibility more appropriately lies with the *facility* where the exam is performed. These exams are typically performed in hospitals either by a physician in the Emergency Department, by the physician on duty at the time, or by a forensic nurse, if the facility has a SAFE program. Providers who complete the exam and the processing of information, may not know the chain of custody following the exam. Accordingly, the responsibility should not lie with any one individual, but instead with the facility where the exam is performed.

Therefore, the above named organizations request that the Committee adopt the following amendment. Without this amendment, we would no longer be able to support the bill.

Amendment: On page 2, in line 7, after “CARE” insert “FACILITY AT WHICH A HEALTH CARE” and in that same line delete “THAT”.

**For more information call:**

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