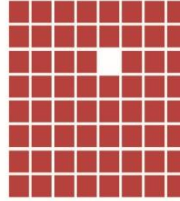




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Maryland Chapter
**AMERICAN COLLEGE OF
EMERGENCY PHYSICIANS**

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

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: February 8, 2017

RE: **OPPOSE UNLESS AMENDED** – Senate Bill 349 – *Criminal Procedure – Sexual Assault Victims’ Rights – Disposal of Rape Kit Evidence and Notification*

On behalf of the Maryland State Medical Society (MedChi) and the American College of Emergency Physicians, Maryland Chapter (MDACEP), we submit this letter of opposition for Senate Bill 349, unless amended.

Senate Bill 349 is intended to address issues related to the retention and handling of “Rape Kit Evidence”. The bill requires a health care provider that provides a sexual assault evidence collection examination to provide the victim with written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit. However, the bill also includes a health care provider in the provisions of the bill related to destruction of rape kit evidence and victim notification requirements related to retention and destruction.

While there is no objection to requiring a health care provider to provide information at the time of the exam, a Rape Evidence Kit is not retained by the health care provider but rather turned over to law enforcement once completed and therefore any issues relative to retention and destruction are not under the control of the health care provider. Including the health care provider in those provisions of the bill creates a legal obligation for which compliance is impossible. Therefore, despite the notable objective of the legislation, unless the bill is amended to remove “health care provider” from paragraphs (c)(1) and (2), Medchi and MDACEP must respectively oppose the bill. If properly amended, support for passage is registered.

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