

§2915-B. Sexual assault forensic examination kit tracking system

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Crime laboratory" means the Maine State Police Crime Laboratory located in Augusta or another accredited laboratory that provides forensic services to law enforcement agencies for the purpose of analyzing forensic examination kits. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

B. "Department" means the Department of Public Safety. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

C. "Forensic examination kit" or "kit" means a uniform standardized forensic examination kit developed by the department pursuant to section 2915, subsection 1 for evidence collection by a licensed health care provider in alleged cases of sexual assault. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

D. "Law enforcement agency" means the Bureau of State Police, a county law enforcement agency or a municipal law enforcement agency. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

E. "Licensed health care provider" means:

(1) A hospital licensed under Title 22, chapter 405; or

(2) A health care practitioner who is licensed by this State to provide or otherwise lawfully providing health care or a partnership or corporation made up of such health care practitioners. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

F. "Sexual assault" means any crime enumerated in Title 17-A, chapter 11. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

G. "Tracking system" means the forensic examination kit tracking system established by the department pursuant to subsection 2. [PL 2025, c. 650, Pt. 000, §2 (NEW).]
[PL 2025, c. 650, Pt. 000, §2 (NEW).]

2. Forensic examination kit tracking system. The department shall operate and maintain a tracking system for all completed forensic examination kits, regardless of whether the alleged offense relating to the kit was reported to a law enforcement agency, that is continuously accessible to approved users as determined by department rule, including, at a minimum, licensed hospitals and licensed health care providers that perform forensic examinations for victims of sexual assault.

A. The department shall operate and maintain the tracking system through the use of department personnel and resources and may contract with public or private entities, including, but not limited to, software and technology providers, to accomplish the department's duties related to the tracking system. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

B. Approved users shall adhere to the following procedures when entering information for each kit into the tracking system, which must, at a minimum, collect the following information.

(1) A crime laboratory shall enter into the tracking system each new and unused kit and record each kit's intended destination before the kit leaves the possession of the crime laboratory.

(2) A licensed health care provider shall enter into the tracking system:

(a) The date the licensed health care provider receives each kit from a crime laboratory;

(b) The date a particular kit is used for evidence collection, is discarded based on damage to the kit or is used for training; and

(c) The date a completed kit is transferred to a law enforcement agency, the name of the law enforcement agency to which the kit was transferred and, to the extent known to the

licensed health care provider, whether the victim of sexual assault from whom the forensic evidence in the kit was collected has reported the alleged offense to a law enforcement agency.

(3) A law enforcement agency shall enter into the tracking system:

(a) The date the law enforcement agency receives a completed kit, the location where that kit is being stored and, to the extent known by the law enforcement agency, whether the victim of sexual assault from whom the forensic evidence in the kit was collected has reported the alleged offense to a law enforcement agency;

(b) The date the law enforcement agency transfers a completed kit to a crime laboratory and the name of the crime laboratory to which the kit was transferred; and

(c) The date the law enforcement agency reports to a prosecuting attorney that a forensic examination has been performed pursuant to Title 24, section 2986.

(4) A crime laboratory shall identify when it has conducted an analysis of a completed kit and enter into the tracking system the date of the analysis.

(5) A law enforcement agency that receives a kit after analysis from a crime laboratory shall enter into the tracking system the date it received the kit and whether that kit was stored or destroyed. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

C. The tracking system must provide for the updating and tracking of a forensic examination kit as follows.

(1) A victim of sexual assault from whom forensic evidence has been collected using a kit must have access to the tracking system on an anonymous and secure basis for the purposes of receiving updates regarding the kit and tracking the status of the kit.

(2) A licensed health care provider, law enforcement agency, prosecuting attorney or any other entity in possession of a kit must have access to the tracking system for the purposes of entering, updating and tracking the status and location of the kit.

(3) A prosecuting attorney in the State must have access to the tracking system for the purpose of receiving updates regarding the kits and tracking the status of the kits. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

[PL 2025, c. 650, Pt. 000, §2 (NEW).]

3. Participation required. Law enforcement agencies, licensed health care providers, crime laboratories and prosecuting attorneys in the State shall participate in the tracking system on the schedule and in the manner required by department rules adopted pursuant to subsection 7.

[PL 2025, c. 650, Pt. 000, §2 (NEW).]

4. Immunity. A person or entity required by subsection 3 to participate in the tracking system is immune from civil liability for actions taken as a participant that are required by subsection 3 or by rules adopted pursuant to subsection 7.

[PL 2025, c. 650, Pt. 000, §2 (NEW).]

5. Confidentiality. The tracking system and all information in the tracking system is confidential. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

6. Report. The department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the Governor by January 1, 2028 and annually thereafter regarding the tracking system. The report may include recommendations from the department for improved operation of the tracking system and must include the following information, identified by the county from which a forensic examination kit was entered into the tracking system:

A. The number of completed kits in the tracking system, including:

- (1) The number of completed kits for which a victim of sexual assault has reported the alleged offense to a law enforcement agency and, of those kits, the number on which analysis has been completed and the number on which analysis has not been completed; and
 - (2) The number of completed kits for which a victim of sexual assault has not reported the alleged offense to a law enforcement agency and, of those kits, the number on which analysis has been completed and the number on which analysis has not been completed; [PL 2025, c. 650, Pt. 000, §2 (NEW).]
- B. The number of completed kits that were entered into the tracking system during the prior calendar year, including:
- (1) The number of completed kits for which a victim of sexual assault has reported the alleged offense to a law enforcement agency and, of those kits, the number on which analysis has been completed and the number on which analysis has not been completed; and
 - (2) The number of completed kits for which a victim of sexual assault has not reported the alleged offense to a law enforcement agency and, of those kits, the number on which analysis has been completed and the number on which analysis has not been completed; [PL 2025, c. 650, Pt. 000, §2 (NEW).]
- C. The average and median lengths of time for forensic examination kits to be sent for analysis after being entered into the tracking system and for analysis to be completed; and [PL 2025, c. 650, Pt. 000, §2 (NEW).]
- D. The number of reported forensic examination kits entered into the tracking system for more than one year for which analysis has not been completed. [PL 2025, c. 650, Pt. 000, §2 (NEW).]

A law enforcement agency that performs its duties in more than one county shall provide to the department tracking information for each county where a forensic examination kit was entered into the tracking system.

[PL 2025, c. 650, Pt. 000, §2 (NEW).]

7. Rules. The commissioner shall adopt rules to govern participation in and implementation of the tracking system. The rules must include provisions for maintaining confidentiality of tracking system information; provisions to ensure timely posting to the tracking system; a process for approving tracking system users and access for approved users; procedures for posting information and for updating information in the tracking system; and requirements for documentation of persons who have posted, accessed and updated information in the tracking system. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2025, c. 650, Pt. 000, §2 (NEW).]

SECTION HISTORY

PL 2025, c. 650, Pt. 000, §2 (NEW).

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