

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 145-FN, establishing a mobile evidence collection unit pilot program and providing an appropriation therefor.

Hearing Date: February 11, 2025

Time Opened: 2:34 p.m.

Time Closed: 2:58 p.m.

Members of the Committee Present: Senators Gannon, Altschiller and Reardon

Members of the Committee Absent : Senators Abbas and Carson

Bill Analysis: This bill enables the department of safety to develop a mobile evidence collection pilot program.

Sponsors:

Sen. Altschiller

Who supports the bill: Pamela Keilig, Gordon Springate, and Michaela Janowski.

Who opposes the bill: Daniel Richardson.

Who is neutral on the bill: Melissa Staples.

Summary of testimony:

Senator Debra Altschiller

Senate District 24

- Sen. Altschiller provided a replace all amendment for SB 145-FN.
- The amendment diverged from the original mobile evidence collection pilot program.
- Sen. Altschiller was approached by a survivor of sexual assault, whose assailant was not charged by the Hillsborough County Attorney despite a sexual assault evidence collection process and a filed police report.
- Sen. Altschiller reported that the woman in question was left feeling violated and betrayed by the system she thought she could trust and rely on. Her life has never been the same.
- There were significant delays in processing and testing evidence collection kits.
- When rape kits went untested, it sent the wrong message to victims and perpetrators, respectively.
- DNA assisted in identification and exoneration.
- The Department of Justice, Department of Safety, and the New Hampshire Coalition Against Sexual and Domestic Violence collaborated alongside Sen. Altschiller to create SB 145.

- Until the end of 2024, New Hampshire did not have the full capability to test evidence for the presence of multiple DNAs.
- In fact, local kits were evaluated in-state but sent to a third-party lab in Florida to analyze the DNA given the lack of available means. The process took 16-18 weeks.
- ARPA (the American Rescue Plan Act) provided funds for the State to acquire the means to analyze DNA more adequately, resulting in the contracts closure.
- The next challenge was getting the collection kits from police departments to the crime lab. Larger municipalities assigned someone to make a weekly trip, leaving patrols largely unaffected.
- Such a delivery was a whole day ordeal for smaller departments, ultimately disrupting operations.
- As a result, evidence sat with municipal departments for weeks on end.
- The initial proposal to mitigate transit delays was to employ two part-time individuals with a van to run deliveries. The Commissioner of Safety was brought into fold and effectively saved the proposal.
- Small and rural departments should be offered a common carrier for transport if they cannot spare manpower for a Concord trip. This was addressed in Sen. Altschiller's amendment, 2025-0625s.
- SB 145 and its amendment included a requirement that all sexual assault evidence collection kits be transited within 7 days of collection. Currently, the box suggested "ASAP".
- In the event a department was unable to meet the 7-day deadline, then, and only then, could the law enforcement agency use a common carrier with route tracking from a storefront.
- Use of droboxes was strictly prohibited, and deliveries must be made during business hours to ensure successful receipt.
- Survivors deserved to have their evidence treated with respect and urgency to get information as quickly as possible.
- Sen. Avard asked if the fiscal note was unchanged.
 - Sen. Altschiller said the fiscal note was still in development.
 - Each evidence kit weighed differently, so pre-printed labels were unfeasible. Reimbursement would be more appropriate than appropriation.
- Sen. Reardon noted that municipalities typically carried accounts with common carriers that were nominal compared to a storefront process and asked if that was considered.
 - Sen. Altschiller was aware of such accounts and stated that there were specific outlines saying evidence needed drop-off/ delivery arranged while the carrier and crime lab were open, respectively.
- Sen. Avard inquired about the chain of custody, and if hand delivery was ideal.
 - While Sen. Altschiller agreed, hand delivery was unfeasible as to meet that standard, things sat for a long time waiting for the opportunity.
 - Sen. Altschiller noted that other forms of evidence for other crimes were transited via common carrier.
 - Tracking maintained a chain of custody.

Melissa Staples

Director, NH State Police Forensic Laboratory

- The State Police Forensic Lab was the only forensic laboratory provider in the State.
- For these cases, the forensics lab is responsible for analyzing evidence from a victim's body, for cases within the State's borders.

- Ms. Staples asked the committee to clarify line 16 of the amendment, to state that “*all evidence collected by medical personnel in a sexual assault case occurring in New Hampshire shall be transited to the State Forensic Laboratory*”
- Sen. Gannon wondered if a rape occurred in Lawrence, but the evidence collection procedure was performed in Salem, if New Hampshire could assume venue.
 - Sen. Reardon said the case would have to be brought up in Massachusetts.

Pamela Keilig

Public Policy Specialist - NH Coalition Against Domestic and Sexual Violence

- NHCADSV operated twelve community crisis centers which provided confidential services to over 15,000 survivors.
- Ms. Keilig spoke in support of the bill.
- SB 145 was necessary and streamlined the evidence collection process.
- Stakeholders had gone great lengths to improve New Hampshire’s response and testing capabilities.
- Survivors reiterated to the NHCADSV the importance of expedient testing and delivery.

PM

Date Hearing Report completed: February 14, 2025