

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 474

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING THE DEPARTMENT OF PUBLIC SAFETY FORENSIC LABORATORIES BUREAU TO ASSIST LOCAL LAW ENFORCEMENT CRIME LABORATORIES WITH TESTING SAMPLES OF BIOLOGICAL MATERIAL COLLECTED PURSUANT TO A MEDICAL EXAMINATION OF A SEXUAL ASSAULT VICTIM AND ALLOWING THE BUREAU TO CHARGE A FEE FOR ASSISTING; CREATING THE SEXUAL ASSAULT EXAMINATION KIT FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 29-3-4 NMSA 1978 (being Laws 1935, Chapter 149, Section 7, as amended) is amended to read:

"29-3-4. STATE AGENCIES--COOPERATION.--

A. It ~~[shall be]~~ is the duty of the university of New Mexico, the human services department, the department of health ~~[and environment department]~~ and all other state

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1 departments, divisions, bureaus, boards, commissions,
2 institutions and officials, free of charge or reward, to
3 cooperate with the law enforcement officers of the state and
4 the New Mexico state police, and to render to them such
5 services and assistance relative to microanalysis, handwriting,
6 toxicology, chemistry, photography, medicine, ballistics and
7 all other sciences and matters relating to or that would aid in
8 controlling crime and the detection, apprehension,
9 identification and prosecution of criminals.

10 B. Beginning July 1, 2018, the department of public
11 safety forensic laboratories bureau shall assist any other
12 local law enforcement agency crime laboratory by processing and
13 testing sexual assault examination kits that consist of one or
14 more samples of biological material collected pursuant to a
15 medical examination of a sexual assault victim for that
16 laboratory. The bureau may charge a laboratory that the bureau
17 assists as provided in this subsection a fee of up to eight
18 hundred dollars (\$800) for each sexual assault examination kit
19 that the bureau processes and tests. Fees collected by the
20 bureau in accordance with this subsection shall be deposited in
21 the sexual assault examination kit fund.

22 C. As used in this section, "biological material"
23 means material that is derived from a human body and includes
24 bodily fluids, hair and skin cells."

25 SECTION 2. [NEW MATERIAL] SEXUAL ASSAULT EXAMINATION KIT

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1 FUND.--The "sexual assault examination kit fund" is created in
2 the state treasury. The fund consists of fees paid to the
3 department of public safety for the testing of sexual assault
4 examination kits, income from investment of the fund and money
5 otherwise accruing to the fund. Money in the fund shall not
6 revert to any other fund at the end of a fiscal year. The
7 department of public safety shall administer the fund, and
8 money in the fund is appropriated to the department of public
9 safety for expenses related to the testing of sexual assault
10 examination kits in accordance with Subsection B of Section
11 29-3-4 NMSA 1978. Money in the fund shall be disbursed on
12 warrants signed by the secretary of finance and administration
13 pursuant to vouchers signed by the secretary of public safety
14 or the secretary's authorized representative.

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