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SENATE BILL 475

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

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO SEXUAL ASSAULT; REQUIRING LAW ENFORCEMENT AGENCIES TO DEVELOP AND IMPLEMENT POLICIES RELATED TO HANDLING AND TESTING OF SEXUAL ASSAULT EXAMINATION KITS; REQUIRING TESTING OF SEXUAL ASSAULT EXAMINATION KITS WITHIN THIRTY DAYS; REQUIRING REPORTING.

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

SECTION 1. Section 30-9-19 NMSA 1978 (being Laws 2006, Chapter 104, Section 10) is amended to read:

"30-9-19. SEXUAL ASSAULT--LAW ENFORCEMENT AGENCY POLICIES--SUBMISSION OF DNA SAMPLES BY LAW ENFORCEMENT AND LABORATORIES.--

A. [~~Samples from~~] By October 1, 2017, every law enforcement agency shall develop and implement a policy that:

(1) prescribes how the agency handles a sample

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1 of biological material collected pursuant to a medical  
2 examination of a sexual assault victim that is received by the  
3 agency;

4 (2) provides how the agency prioritizes a  
5 sample for DNA testing by the agency's servicing laboratory;  
6 and

7 (3) requires the agency to send a sample of  
8 biological material collected pursuant to a medical examination  
9 of a sexual assault victim [~~shall be submitted by the~~  
10 ~~investigating law enforcement agency]~~ to that agency's  
11 servicing laboratory for DNA testing as soon as practicable  
12 after receiving the sample and, in all cases, within thirty  
13 days of the agency's receipt of the sample.

14 B. Records derived from DNA testing that qualify  
15 for insertion into CODIS shall be submitted by the servicing  
16 laboratory to the administrative center.

17 C. By November 1 of each year, a law enforcement  
18 agency's servicing laboratory shall report to the legislature  
19 if, at the end of the immediately preceding fiscal year, the  
20 laboratory had in its possession three hundred or more untested  
21 samples of biological material collected pursuant to medical  
22 examinations of sexual assault victims.

23 [~~B.~~] D. As used in this section:

24 (1) "administrative center" means the law  
25 enforcement agency or unit that administers and operates the

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1 DNA identification system pursuant to the provisions of the DNA  
2 Identification Act;

3 (2) "biological material" means material that  
4 is derived from a human body and includes bodily fluids, hair  
5 and skin cells;

6 (3) "CODIS" means the federal bureau of  
7 investigation's "combined DNA index system", a national DNA  
8 index system for storage and exchange of DNA records submitted  
9 by forensic DNA laboratories;

10 (4) "DNA" means deoxyribonucleic acid;

11 (5) "DNA testing" means a forensic DNA  
12 analysis that includes restriction fragment length  
13 polymorphism, polymerase chain reaction or other valid methods  
14 of DNA typing performed to obtain identification  
15 characteristics of samples; and

16 (6) "sample" means a sample of biological  
17 material sufficient for DNA testing."