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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. By October 1, 2017, every law enforcement agency shall develop and implement a policy that:

(1) prescribes how the agency handles a sample of biological material collected pursuant to a medical examination of a sexual assault victim who reported the sexual assault to law enforcement that is received by the agency;

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

(3) requires the agency to send a sample of biological material collected pursuant to a medical

1 examination of a sexual assault victim who reported the
2 sexual assault to law enforcement to that agency's servicing
3 laboratory for DNA testing as soon as practicable after
4 receiving the sample and, in all cases, within thirty days of
5 the agency's receipt of the sample.

6 B. Records derived from DNA testing that qualify
7 for insertion into CODIS shall be submitted by the servicing
8 laboratory to the administrative center.

9 C. By November 1 of each year, a law enforcement
10 agency's servicing laboratory shall report to the legislature
11 if, at the end of the immediately preceding fiscal year, the
12 laboratory had in its possession three hundred or more
13 untested samples of biological material collected pursuant to
14 medical examinations of sexual assault victims.

15 D. As used in this section:

16 (1) "administrative center" means the law
17 enforcement agency or unit that administers and operates the
18 DNA identification system pursuant to the provisions of the
19 DNA Identification Act;

20 (2) "biological material" means material
21 that is derived from a human body and includes bodily fluids,
22 hair and skin cells;

23 (3) "CODIS" means the federal bureau of
24 investigation's "combined DNA index system", a national DNA
25 index system for storage and exchange of DNA records

1 submitted by forensic DNA laboratories;

2 (4) "DNA" means deoxyribonucleic acid;

3 (5) "DNA testing" means a forensic DNA
4 analysis that includes restriction fragment length
5 polymorphism, polymerase chain reaction or other valid
6 methods of DNA typing performed to obtain identification
7 characteristics of samples; and

8 (6) "sample" means a sample of biological
9 material sufficient for DNA testing."

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