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FISCAL IMPACT REPORT

SPONSOR Thomson **ORIGINAL DATE** 2/27/2017
LAST UPDATED 3/13/2017 **HB** 491/aHCPAC

SHORT TITLE Sexual Assault Survivors Rights to Victims **SB** _____

ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs amendment to House Bill 491 strikes health care provider requirements to inform survivors of the right to request (1) voluntary testing of the survivor for HIV and (2) mandatory testing of the alleged offender for HIV.

The amendment adds a requirement forbidding health care providers from charging or deterring a victim a fee for collecting a kit.

The amendment adds a new subsection to the bill, prohibiting prosecution of a survivor of sexual assault for minor criminal offenses including underage consumption of alcohol, drug use, or prostitution if the evidence of the commission of the offense is obtained through the examination of and collection of a sexual assault examination kit from the survivor of sexual assault.

Synopsis of Bill

House Bill 491 provides rights to sexual assault survivors.

The bill mandates health care providers who complete a sexual assault examination kit on a survivor to collect contact information for the survivor and inform the survivor of their right to request HIV testing for both themselves and the offender. The bill also requires the survivor be provided with a consent form to release the kit to law enforcement agencies either immediately or at a later date and information on how the kit will be stored, destroyed, and notice of its processing.

The bill mandates law enforcement agencies confirm the survivor's contact information and continue to maintain its accuracy. The agency must also inform the survivor of their right to request information from the agency, including the testing status of the kit and whether the agency was able to develop a DNA profile of the offender. If a DNA profile is established, the survivor must be informed if the agency submits the profile to a DNA database for comparison with other profiles. If no offender has been identified, the survivor will be notified of any other developments, including if the kit will not be tested further or if the kit will be destroyed.

HB 491 provides rules for how requests from survivors to law enforcement agencies may be made and how notifications shall be made if the survivor is deceased or if the survivor appoints another person to receive notifications. The bill provides definitions for "health care provider" and "sexual assault examination kit."

FISCAL IMPLICATIONS

The bill could have a fiscal impact upon health care providers and law enforcement agencies statewide.

For health care providers, the bill could increase costs related to notification of the kit's transfer to law enforcement agencies and the requirement for the provider to collect and maintain information enabling victim notification.

For law enforcement agencies, the bill could also increase costs related to collection and maintenance of victim notification information. Additionally, agencies may face costs to respond to requests for information as laid out in subsection C of the bill.

SIGNIFICANT ISSUES

In October 2016, President Obama signed into law the Survivors' Bill of Rights Act of 2016, similar to the provisions of HB 491. The law provides guidance on how sexual assault kits are processed nationwide, including the right to have a kit preserved in accordance with the statute of limitations, notification of the kit's destruction, and notice of forensic testing results. Both Minnesota and California are working on versions of survivor's rights acts.

TR/al/jle