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FISCAL IMPACT REPORT

SPONSOR Lopez DATE TYPED 1/30/04 HB _____

SHORT TITLE Sexual Assault Treatment & Prevention SB 272

ANALYST Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
\$1,800.0				Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HJM 19 that calls for a study of sexual assault survivor hospital data.

Relates to SB 44 that proposes an appropriation of 50,000 to the Local Government Division of DFA to contract for the provision of counseling and therapy for children at a rape crisis center in Santa Fe County for FY 05.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)
Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 272 appropriates \$1.8 million to the Department of Health (DOH) from the General Fund for fiscal years 2004 and 2005 to provide statewide sexual assault treatment and prevention programs. SB 272 contains an emergency clause.

Significant Issues

Sexual violence is a major threat to public health in New Mexico. In the report "Sex Crimes in New Mexico: An Analysis of 2002 Data from the New Mexico Interpersonal Violence Data Central Repository", 2,815 sex crimes were reported by 85 different law enforcement agencies who

are responsible for protecting 85% of the state's population. During the same calendar year, rape crisis and mental health centers served 1,132 victims of sexual assault.

Sexual assault of children is a critical issue in New Mexico; in 2003, the Children, Youth and Families Department Protective Services Division substantiated 445 cases of child sexual abuse. In 2002, 422 cases of child sexual abuse were substantiated.

The data represent only a portion of actual crimes committed due to the fact that sexual violence is historically underreported.

The Department of Health (DOH), Behavioral Health Services Division (BHSD) is statutorily obligated to provide the counseling and therapy services identified through the "Sex Crime Prosecution and Treatment Act [29-11-1 to 29-11-7 NMSA 1978]. DOH obligations are also addressed in the Preventive Health and Health Services Block Grant. This provision obligates the DOH, Injury Prevention and Emergency Medical Services (IPEMS) Bureau and BHSD to provide sexual assault prevention programs.

FISCAL IMPLICATIONS

The appropriation of \$1,800.0 contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY 05 shall revert to the General Fund.

In FY 04, the Department of Health received \$1,200.0 to increase services related to sexual violence. That amount is included in the LFC and DFA budget requests for FY 05.

The Public Defender Department reports that sex offender cases are some of the most difficult and costly to defend. They usually go to trial because the penalties are so severe. Each trial can involve a great deal of preparation and require the use of various experts, such as medical doctors, psychologists, DNA specialists, etc. Based on PDD work with hundreds of sex offenders over the years, this Department believes that prevention programs would reduce the number of offenses and therefore, the number of cases.

ADMINISTRATIVE IMPLICATIONS

The legislation may require an additional FTE position to monitor, manage and coordinate these new and developing resources, in partnership with community-based service providers.

OTHER SUBSTANTIVE ISSUES

Between July 1, 2001 and June 30, 2002, Para Los Niños, a clinic in New Mexico that provides medical evaluation for children who have been sexually abused, and adolescents who have been sexually assaulted, provided services to 337 children. These children ranged in age from under a year (8 children) to children over 17 (3 children); 57% of the children who were screened for sexual abuse/assault were under the age of 9 years old; 83% of these children were under the age of 14.

Of the 2,815 reported sex crimes, 44% of victims of criminal sexual penetration (CSP) were victimized by age 12 and 79% of the victims of non-CSP sex crimes such as, criminal sexual con-

tact were victimized by age 12. Findings from law enforcement and service providers demonstrate that victims of sex crimes are overwhelming female and most are often victimized by age 12. Almost one-third of victims that sought assistance for a sexual assault had some type of disability before the sexual assault.

The special appropriation in FY 04 for sexual assault treatment and prevention created and/or enhanced sexual assault services and child sexual abuse prevention programs throughout the state. Sexual assault crisis intervention and treatment services were developed in the cities of Alamogordo, Farmington, Portales, Santa Rosa, Shiprock, and Truth or Consequences. Sexual assault treatment services were enhanced in the cities of Albuquerque, Las Cruces and Roswell and child sexual prevention programs were created and/or enhanced in the cities of Albuquerque, Las Cruces, Pine Hill, Roswell, Santa Fe and Taos.

Treatment and crisis intervention services and prevention programs are required to assist victims of sexual assault and child sexual abuse to receive the proper medical treatment and mental health services; as well as, contribute to the prevention of sexual assault and therefore, the demand for additional services for future victims. Early intervention with victims of sexual assault has demonstrated effectiveness for reducing Post Traumatic Stress and risk related behavior that leads to further exposure to violence and compromised health conditions.

Information on Incidence and Prevalence

According to the FBI Uniform Crime Reports for 1998:

- New Mexico ranks 3rd in the nation for the amount of reported rapes per capita
 - 957 reports of sexual assault were filed in NM in 1998, resulting in 90 arrests, or an arrest rate of 9.4%, the 46th lowest arrest rate in the nation
 - 12.4% of all victims of reported rapes are under 12 years of age
 - 40% of all victims of reported rapes are between 12-17
 - 57.4% of all victims of reported rapes are minors
 - For 1999 New Mexico ranks 2nd in the nation for the amount of reported rapes per capita.

POSSIBLE QUESTIONS

This bill does not indicate what specific programs qualify. Would sex offender treatment programs qualify for these funds?

BD/yr