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FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/09

SPONSOR Lopez LAST UPDATED _____ HB _____

SHORT TITLE Expand Statewide Sexual Assault Services SB 306

ANALYST Chabot

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$1,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 220, Albuquerque Sex Assault Nurse Examiner
 Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Aging and Long-Term Services Department (ALTSD)
 Commission on the Status of Women (CSW)
 Department of Health (DOH)
 New Mexico Health Policy Commission (HPC)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 306, Expand Statewide Sexual Assault Services, appropriates \$1 million from the general fund to DOH for the purpose of expanding the sexual assault nurse examiner program and to hire a statewide coordinator for sexual assault programs.

FISCAL IMPLICATIONS

The appropriation of \$1 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall revert to the general fund.

SIGNIFICANT ISSUES

The LFC submitted a balanced general fund appropriation recommendation for fiscal year 2010. Any additional general fund expenditures appropriated by the Legislature must be off-set by an equal amount from the appropriation recommendation.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

DOH reports “Sexual Violence is a very serious public health problem in New Mexico. Sexual assault data were submitted by 101 New Mexico law enforcement agencies, representing 87 percent of New Mexico’s population, to the New Mexico Interpersonal Violence Data Central Repository for 2007. The report showed that 2,636 sex crimes were reported by law enforcement agencies.

Of the 2,636 police-reported sexual assaults, rape crisis service centers served only 1,486 victims. This means that of the 2,636, approximately 1,150 were not served. In addition, many cases of sexual assault remain unreported.

The Sexual Assault Nurse Examiner (SANE) program served 1,044 sexual assault victims/patients, many of whom are included among the 1,486 victims, above. The victims in 85 percent of reported criminal sexual penetration crimes were female, and among 88.5 percent offenders were known to the victim, 30 percent were related to the victim. Over one-half (58 percent) of sexual assault victims were victims of a prior sexual assault. Among victims of on-going sexual abuse, 76 percent were victimized by age 12 (38 percent of which, by age 5); of those who experienced an isolated assault, 47 percent were victimized by age 12. (Sex Crimes in New Mexico VII, 2008).

The impact of the SANE program on reporting, evidence collection, prosecution, conviction, and length of jail sentences in sexual assault cases has been studied. In 2003, Crandall and Helitzer compared the legal outcomes for sexual assault cases seen at the University of New Mexico's Health Sciences Center for the two years prior to the inception of a SANE program (1994-1996) and four years afterwards (1996-1999). A significantly higher percentage of victims treated in the SANE program reported the assault to the police than did before the SANE program was launched in this community (72 percent compared to 50percent) and significantly more survivors had evidence collected using approved kits (88 percent compared to 30percent). Police filed more charges of sexual assault and the conviction rate for charged SANE cases was also significantly higher (69 percent compared to 57percent), resulting in longer average sentences (5.1 compared to 1.2 years). These data provide the strongest evidence yet that SANE programs can have a beneficial impact on the prosecution of sexual assault cases.

The negative effects of sexual violation during childhood are extremely serious. Sexual assault during childhood is a precursor to experiencing a sexual assault in the future. Over half (58 percent) of all those who sought assistance for a sexual assault in the year 2007 had experience a prior sexual assault. Of the total number of rape victims in New Mexico, the rape of children and adolescents is disproportionately high. Law enforcement, service providers, and SANE programs demonstrate that victims of sex crimes are overwhelmingly female and are most often victimized by age 12.

HPC states “A sexual assault nurse examiner (SANE) is a registered nurse who has advanced education and clinical preparation in forensic examination of sexual assault victims. SANE programs were created in communities across the country to address the inadequacy of the traditional model for sexual assault medical evidentiary exams. Those who work with sexual assault victims have long recognized that victims are often re-traumatized when they come to hospital emergency departments for medical care and forensic evidence collection.

SANE programs have been active in NM since the late 1990’s. SANE Programs exist in Albuquerque, Santa Fe, Las Cruces, Roswell, Farmington, Shiprock, Clovis, Portales and Alamogordo. “

HPC also reports the New Mexico Coalition of Sexual Assault Programs, a private, non-profit organization, was by the Sexual Crimes Prosecution and Treatment Act. Current state programs include evaluating the deterrent effect of domestic violence orders of protection; domestic violence in the African American community; violence, alcohol, substance abuse, tobacco use (VAST); South Valley male involvement project; violence against women central repository; statewide domestic violence coalition data collection system project; colleague network; and the President’s family justice center initiative.

PDD states “sexual assault nurses often play a critical role in public defender cases.”

PERFORMANCE IMPLICATIONS

SB 306 relates to the DOH Strategic Health Plan.

ADMINISTRATIVE IMPLICATIONS

DOH reports “staff from the DOH Injury and Behavioral Epidemiology Bureau would develop and monitor the contract for these services. Staff requirements could be incorporated into existing work responsibilities.

GAC/svb