

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 01/24/13

SPONSOR Lopez LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Sexual Assault Prevention & Services SB 74

ANALYST Geisler

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
	\$1,000.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 46

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Human Services Department (HSD)

Department of Health (DOH)

### SUMMARY

#### Synopsis of Bill

Senate Bill 74 appropriates \$1 million to the Human Services Department (HSD) in fiscal year 2014 to fund sexual assault prevention and sexual assault services and training. Any unexpended or unencumbered balance remaining at the end of FY14 would revert to the general fund.

### FISCAL IMPLICATIONS

Senate Bill 74 appropriates \$1 million dollars to the HSD for sexual assault-related services. This appropriation is not included in the Executive Budget.

The Behavioral Health Services division (BHSD) of HSD provides sexual assault services statewide using the Coalition of Sexual Assault Programs (NMCSAP). The yearly amount available is \$927,254. In addition a range of other sexual assault services provided by five direct service providers are funded by BHSD in SFY13 in the total amount of \$763,768.

Also, there is approximately \$2.1 million in the FY13 budget at the DOH for sexual assault services. DOH has requested additional funding of \$1 million for this program in FY14. The executive budget recommendation for DOH includes this additional funding; the LFC recommendation provides for a \$400 thousand increase.

## **SIGNIFICANT ISSUES**

HSD notes that the NMCSAP is currently contracted to provide training and technical assistance to sexual abuse program coordinators and statewide training for all professionals working with sexual abuse victims. Training includes emergency response training, evidence collection protocols, utilization of volunteers, treatment methodologies and community education and prevention of child sexual abuse, professional training on child sexual abuse, and professional staff training to Sequoyah Adolescent Treatment Center.

The NMCASAP is also contracted to aggregate data from the five direct service providers and report monthly to BHSD. Further, the NMCASAP is funded to process and verify sexual assault medical bills, including the full costs of forensic medical exams, and to produce and disseminate Sexual Assault Evidence Collection Kits for Adults and Children.

The five direct service providers are funded to support capacity to answer crisis calls, to support victims of sexual assault and provide advocacy. Services must comply with the Sex Crimes Prosecution and Treatment Act [Section 29-11-7 NMSA 1978]. These direct prevention and intervention services may occur immediately at the time of an incident or when the individual experiences trauma/crises as a result of the incident.

### DOH provided information on sexual assault:

Sexual Assault is a very serious crime that is all too common. According to “Sex Crimes in NM IX”: An Analysis of 2010 Data from the NM Interpersonal Violence Data Central Repository by Dr. Betty Caponera, 1,546 incidents of rape were reported to law enforcement in 2010. During that year, 1,963 sexual assault (SA) victims were served by SA service providers and 1,072 sexually assaulted patients were examined by Sexual Assault Nurse Examiners.

According to Rape Abuse & Incest National Network (RAINN), nationally 54 percent of sexual assaults are not reported to police and 97 percent of rapists do not spend time in jail. In New Mexico, only 17 percent of rapes were reported to police and only 6 percent of victims filed criminal charges, according to the Caponera report. Rape is the most underreported crime in the United States. Significant changes have been seen in improving the treatment of sexual assault victims in NM, but many victims still do not report or receive the assistance and treatment they need, because of family pressure and because they have little confidence that the legal system, the media and society at large are either responsive or sympathetic to rape victims and that their attacker will be brought to justice.

Rape can have devastating psychological consequences on victims, culminating in Post-Traumatic Stress Disorders with an array of symptoms that include long-lasting, far-ranging health effects, and health consequences including physical injuries, sexually transmitted infections including HIV, and unwanted pregnancy.

The challenges to prevent and respond to sexual assault in NM are unique and difficult: most sexual assault is perpetrated on the vulnerable individuals by someone whom they know, and over a quarter of the time, by the victim's own family member, limited access to resources, and because over half of New Mexicans speak a language other than English in their homes. Recent research documents the problem of sexual violence across communities, often finding its causes to be embedded in community and cultural norms. The proposed funding is important to the ability to reduce the incidence of sexual violence in NM.

### **RELATIONSHIP**

Senate Bill 74 relates to Senate Bill 46, which appropriates \$1 million to the DOH in fiscal year 2014 to fund sexual assault prevention and sexual assault services and training.

### **OTHER SUBSTANTIVE ISSUES**

HSD notes that some outpatient treatment services that are medically necessary as a consequence of sexual assault would be covered through Medicaid if all the following criteria are met:

- The patient is Medicaid-eligible;
- The service is a Medicaid covered service;
- The provider must be credentialed as a Medicaid provider of that service through the NM Medicaid fiscal agent and/or as a network provider of a Medicaid managed care organization; and
- The provider is providing services in accordance with his or her license.

GG/svb