

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE MEMORIAL 50

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY  
Mimi Stewart

A MEMORIAL

REQUESTING THAT THE SECRETARY OF PUBLIC SAFETY AND THE DIRECTOR OF THE STATEWIDE COALITION TO END SEXUAL VIOLENCE CONVENE A TASK FORCE TO STUDY AND REPORT ON THE PROCESSING OF BACKLOGGED SEXUAL ASSAULT EXAMINATION KITS.

WHEREAS, reports of sexual assaults in New Mexico have increased sixty-two percent since 2003, and from 2003 through 2012, state funding for services for survivors of sexual assault has not increased to meet the increase in reports; and

WHEREAS, sixty-six percent of incidents of sexual violence in New Mexico are committed against children and adolescents, which is twelve percent higher than the national average; and

WHEREAS, one in four women and one in twenty men in New Mexico experience an attempted or completed rape in their lives, and eighty-three percent of those attempted or completed

underscoring material = new  
~~[bracketed material] = delete~~

1 rapes are not reported; and

2 WHEREAS, sexual assault survivors deserve the opportunity  
3 to receive information about the status of their cases,  
4 particularly if their cases are reopened or if additional  
5 information or evidence is revealed; and

6 WHEREAS, this state, like many other states, has  
7 identified a backlog of more than five thousand sexual assault  
8 examination kits that have not been processed; and

9 WHEREAS, as the state completes processing of backlogged  
10 sexual assault examination kits, new information and evidence  
11 will be revealed about survivors' cases, and increased services  
12 for survivors of sexual assault will be needed; and

13 WHEREAS, for every survivor whose sexual assault  
14 examination kit was backlogged or not tested, the law should  
15 grant the survivor or the survivor's representative the right  
16 to:

17 A. be notified by law enforcement and sexual  
18 assault service providers of any change in the status of the  
19 survivor's case;

20 B. be notified of a DNA evidence match in the DNA  
21 database in connection with the survivor's case;

22 C. be notified that the survivor's closed case has  
23 been reopened; and

24 D. receive services by sexual assault service  
25 providers when the survivor's untested or backlogged sexual

.202955.3

underscoring material = new  
~~[bracketed material] = delete~~

1 assault examination kit is tested;

2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
3 OF NEW MEXICO that the secretary of public safety and the  
4 director of the statewide coalition to end sexual violence be  
5 requested to convene a task force to assess the progress of  
6 processing backlogged sexual assault examination kits and to  
7 make related recommendations; and

8 BE IT FURTHER RESOLVED that the task force be composed of:

- 9 A. the secretary of public safety or the  
10 secretary's designee;
- 11 B. the director of the statewide coalition to end  
12 sexual violence or the director's designee;
- 13 C. the state auditor or the state auditor's  
14 designee;
- 15 D. the attorney general or the attorney general's  
16 designee;
- 17 E. the director of a rape crisis center that serves  
18 a community with a population of one hundred thousand or  
19 greater;
- 20 F. the director of a rape crisis center that serves  
21 a community with a population of less than one hundred  
22 thousand;
- 23 G. the director of a sexual assault nurse examiner  
24 program that serves a community with a population of one  
25 hundred thousand or greater;

.202955.3

underscored material = new  
~~[bracketed material] = delete~~

1           H. the director of a sexual assault nurse examiner  
2 program that serves a community with a population of less than  
3 one hundred thousand;

4           I. the chief of the department of public safety's  
5 forensic laboratories bureau;

6           J. the director of the Albuquerque police  
7 department's crime laboratory; and

8           K. the statewide sexual assault nurse examiner  
9 coordinator; and

10          BE IT FURTHER RESOLVED that the secretary of public safety  
11 or the secretary's designee and the director of the statewide  
12 coalition to end sexual violence or the director's designee  
13 serve as co-chairs of the task force; and

14          BE IT FURTHER RESOLVED that the task force meet at least  
15 two times each year for five years, beginning in 2016; and

16          BE IT FURTHER RESOLVED that the task force report annually  
17 to the interim legislative committee dealing with courts,  
18 corrections and justice issues and to the legislative health  
19 and human services committee with the task force's  
20 recommendations and updates on:

21           A. progress made on processing backlogged sexual  
22 assault examination kits;

23           B. contacts made by law enforcement and rape crisis  
24 center representatives with survivors whose sexual assault  
25 examination kits have been processed and where DNA evidence

.202955.3

underscoring material = new  
~~[bracketed material] = delete~~

1 matches have been made in the DNA database;

2 C. the adequacy of support services available to  
3 survivors who are affected by the processing of backlogged  
4 sexual assault examination kits; and

5 D. any legislation the task force recommends for  
6 introduction; and

7 BE IT FURTHER RESOLVED that copies of this memorial be  
8 transmitted to the secretary of public safety, the director of  
9 the statewide coalition to end sexual violence, the attorney  
10 general, the chief of the department of public safety's  
11 forensic laboratories bureau, the director of the Albuquerque  
12 police department's crime laboratory and the statewide sexual  
13 assault nurse examiner coordinator.