

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 536

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FOR THE OPTIONAL DESIGNATION OF A TAX REFUND
CONTRIBUTION TO THE SEXUAL ASSAULT EXAMINATION KIT PROCESSING
GRANT FUND AND THE DEPARTMENT OF HEALTH TO PROVIDE SEXUAL
ASSAULT SERVICES; ESTABLISHING THE SEXUAL ASSAULT EXAMINATION
KIT PROCESSING GRANT PROGRAM; PROVIDING POWERS AND DUTIES;
CREATING A FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Income Tax Act is enacted
to read:

"[NEW MATERIAL] OPTIONAL DESIGNATION OF TAX REFUND
CONTRIBUTION--SEXUAL ASSAULT EXAMINATION KIT PROCESSING GRANT
FUND--SEXUAL ASSAULT SERVICES.--

A. An individual whose state income tax liability

1 after application of allowable credits and tax rebates in any
2 year is lower than the amount of money held by the department
3 to the credit of that individual for that tax year may
4 designate a portion of the income tax refund due to the
5 individual to be paid to the sexual assault examination kit
6 processing grant fund for the department of public safety to
7 award grants to law enforcement agencies for the processing of
8 sexual assault examination kits and to the department of health
9 to fund sexual assault services provided by sexual assault
10 service providers. In the case of a joint return, both
11 individuals must make that designation.

12 B. The department shall revise the state income tax
13 form to allow the designation of a contribution in the
14 following form:

15 "Sexual Assault Examination Kit Processing Grant Fund and
16 Sexual Assault Services - Check [] if you wish to contribute a
17 part or all of your tax refund to the Sexual Assault
18 Examination Kit Processing Grant Fund for the processing of
19 sexual assault examination kits and to the Department of Health
20 for the provision of sexual assault services by sexual assault
21 service providers. Enter here \$ _____ the amount of your
22 contribution."

23 C. Instructional materials shall provide that
24 contributions to the sexual assault examination kit processing
25 grant fund may be made directly to the department of public

1 safety and contributions to fund sexual assault services by
 2 sexual assault service providers may be made directly to the
 3 department of health.

4 D. The provisions of this section do not apply to
 5 an income tax refund subject to interception under the
 6 provisions of the Tax Refund Intercept Program Act, and a
 7 designation made pursuant to the provisions of this section to
 8 that refund is void.

9 E. The department shall distribute the tax refund
 10 contributions pursuant to this section as follows:

11 (1) fifty percent to the state treasury for
 12 credit to the sexual assault examination kit processing grant
 13 fund for distribution by the department of public safety to law
 14 enforcement agencies pursuant to the sexual assault examination
 15 kit processing grant program; and

16 (2) fifty percent to the department of health
 17 to fund sexual assault services provided by sexual assault
 18 service providers."

19 SECTION 2. [NEW MATERIAL] SEXUAL ASSAULT EXAMINATION KIT
 20 PROCESSING GRANT PROGRAM--POWERS AND DUTIES--SEXUAL ASSAULT
 21 EXAMINATION KIT PROCESSING GRANT FUND CREATED.--

22 A. As used in this section:

23 (1) "department" means the department of
 24 public safety; and

25 (2) "grant program" means the sexual assault

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1 examination kit processing grant program established pursuant
2 to this section.

3 B. The department shall establish and administer a
4 grant program to award funds to state and local law enforcement
5 agencies for the processing of sexual assault examination kits.

6 C. Grant funds may be used only for the processing
7 by a state or municipal crime laboratory of biological evidence
8 that was collected in relation to a sexual assault.

9 D. The department:

10 (1) shall establish:

11 (a) grant program application
12 procedures;

13 (b) guidelines for the grant amounts to
14 be awarded; and

15 (c) criteria for evaluating grant
16 program applications; and

17 (2) may establish additional eligibility
18 criteria for grant program applications.

19 E. Annually, on or before January 1, the department
20 shall provide a report to the taxation and revenue department
21 detailing the results and performance of the grant program.

22 F. The "sexual assault examination kit processing
23 grant fund" is created in the state treasury. The fund
24 consists of voluntary tax refund contributions, gifts, grants
25 and donations. Balances remaining in the fund at the end of a

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1 fiscal year shall not revert to any other fund. The department
 2 shall administer the fund, and money in the fund is subject to
 3 appropriation by the legislature to the department to
 4 administer the grant program. Disbursements from the fund
 5 shall be made by warrant of the secretary of finance and
 6 administration pursuant to vouchers signed by the secretary of
 7 public safety or the secretary's authorized representative.

8 G. A person may make a gift or donation to the
 9 sexual assault examination kit processing grant fund through
 10 the department.

11 SECTION 3. DELAYED REPEAL.--Section 1 of this act is
 12 repealed effective January 1, 2023.

13 SECTION 4. APPLICABILITY.--The provisions of Section 1 of
 14 this act apply to taxable years beginning on or after January
 15 1, 2017.

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