

1 SENATE BILL 423

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Linda M. Lopez

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9  
10 AN ACT

11 RELATING TO SEXUAL ASSAULT; REQUIRING THE DEVELOPMENT AND USE  
12 OF AN ELECTRONIC DATABASE TO TRACK THE STATUS OF SEXUAL ASSAULT  
13 EXAMINATION KITS.

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

16 SECTION 1. A new section of Chapter 30, Article 9 NMSA  
17 1978 is enacted to read:

18 "[NEW MATERIAL] SEXUAL ASSAULT EXAMINATION KITS--  
19 ELECTRONIC DATABASE--REQUIRED REPORTING.--

20 A. The secretary of public safety shall develop,  
21 implement and supervise the maintenance of an electronic  
22 database to be used by authorized representatives to track the  
23 location, transmission and status of sexual assault examination  
24 kits.

25 B. An authorized representative shall create a

.206346.1

underscored material = new  
[bracketed material] = delete

1 record in the electronic database in connection with every  
2 sexual assault examination kit that is collected, stored,  
3 transmitted to another location or tested. Each record shall  
4 include:

5 (1) the name of the authorized representative  
6 who created the record;

7 (2) the action taken by the authorized  
8 representative with respect to the sexual assault examination  
9 kit and the date on which that action was taken;

10 (3) the location of the sexual assault  
11 examination kit at the time the record is created; and

12 (4) any additional information required by the  
13 department of public safety.

14 C. For the purposes of this section:

15 (1) "authorized representative" means a law  
16 enforcement officer or representative of a law enforcement  
17 agency, a sexual assault examination nurse or other authorized  
18 health care provider who conducts examinations of victims of  
19 sexual assault or a representative of a laboratory that  
20 performs DNA testing services for a law enforcement agency;

21 (2) "electronic database" means the database  
22 created in accordance with this section; and

23 (3) "sexual assault examination kit" means any  
24 samples of biological material derived from a human body,  
25 including body fluid and hair and skin cells, collected during

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~~[bracketed material] = delete~~

1 a medical examination of a survivor following a sexual  
2 assault."

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