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## FISCAL IMPACT REPORT

SPONSOR Ferrary ORIGINAL DATE 2/18/17  
LAST UPDATED \_\_\_\_\_ HB 320

SHORT TITLE Rape Kit Processing Public Awareness SB \_\_\_\_\_

ANALYST Chenier

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
	\$400.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to appropriations contained in House Bill 2

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Bill 320 appropriates \$400 thousand from the general fund to DOH to fund public awareness and education services provided by sexual assault service providers and related to the processing of sexual assault examination kits.

### FISCAL IMPLICATIONS

The appropriation of \$400 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY18 shall revert to the general fund.

### SIGNIFICANT ISSUES

DOH provided the following:

New Mexico data on rape and sexual assault are gathered from different sources, including law enforcement reports, sexual assault service providers' reports on the

victims they serve, and reports made by sexual assault nurse examiner (SANE) programs. According to Sex Crimes in NM, in 2015, there were 1,514 rapes reported by law enforcement agencies, 1,631 victims served by sexual assault service providers, and 1,018 SANE patients

([http://nmcsap.org/wpcontent/uploads/betty\\_caponera\\_Sex\\_Crimes\\_2015\\_Report\\_Dec16\\_web.pdf](http://nmcsap.org/wpcontent/uploads/betty_caponera_Sex_Crimes_2015_Report_Dec16_web.pdf)). Data from the 2015 Youth Risk and Resiliency Survey indicate that 7.3% of students in New Mexico have been raped during their lifetime, and 9.2% of students reported that they were forced to do something sexual by a dating partner in the 12 months prior to the survey.

According to SEX CRIMES IN NEW MEXICO V: An Analysis of Data from *The Survey of Violence Victimization in New Mexico*, a self-report survey of NM adults, 21% of women and 4% of men in New Mexico have experienced a completed rape during their lifetime ([http://nmcsap.org/wp-content/uploads/Betty\\_Caponera\\_Sex\\_Crimes\\_in\\_NM\\_V\\_2002-2005\\_Data\\_web.pdf](http://nmcsap.org/wp-content/uploads/Betty_Caponera_Sex_Crimes_in_NM_V_2002-2005_Data_web.pdf)).

AOC stated that there is a serious backlog in the processing of sexual assault kits in New Mexico. According to a recent article in the Albuquerque Journal, a special audit by the state auditor determined that New Mexico has the highest number of untested sexual assault kits per capita in the country. Seventy-four percent of New Mexico's untested kits are from the Albuquerque metropolitan area. Another bill, SB7, would appropriate a total of two million four hundred thousand dollars to assist Albuquerque in reducing its testing backlog. The appropriation is contingent on Albuquerque providing four million dollars in additional funds. The backlog in testing has been widely reported. The backlog may result in victims of sexual assault being reluctant to cooperate with an invasive test conducted at a highly traumatic time, if they don't believe the test will be used in a timely manner to investigate the crime.

EC/jle