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FISCAL IMPACT REPORT

SPONSOR Correa Hemphill/ Sedillo Lopez **ORIGINAL DATE** 2/3/2022 **LAST UPDATED** _____ **HB** _____
SHORT TITLE Sexual Assault Services Programs **SB** 197
ANALYST Rabin

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
\$0.0	\$5,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 16, House Bill 204
 Duplicates Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Crime Victims Reparation Commission (CVRC)

SUMMARY

Synopsis of Bill

Senate Bill 197 appropriates \$5 million from the general fund to the Crime Victims Reparation Commission (CVRC) to provide sexual assault services programs. The funds are appropriated in FY23 and would not revert at the end of the fiscal year.

FISCAL IMPLICATIONS

The appropriation of \$5 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY23 shall not revert to the general fund. Although SB197 does not specify future appropriations, establishing a new funding stream for sexual assault services programs could create an expectation that the funding will continue to be available in future fiscal years, therefore this cost is scored as recurring.

The House Appropriations and Finance Committee Substitute for House Bill 2 includes a \$1.3 million recurring general fund appropriation for sexual assault services and a \$1.3 million appropriation from the early childhood education and care fund for services for child victims of

sexual assault and child advocacy centers, contingent on enactment of Senate Bill 118 or similar legislation to expand the allowable uses of that fund.

SIGNIFICANT ISSUES

Despite decreases in overall crime and a recent drop in violent crime, New Mexico had the highest overall crime rate of any state in the country in 2020 and the second highest violent crime rate. The criminal justice system seems to have failed to effectively address the needs of both victims and offenders, trapping too many New Mexicans in cycles of violence, poverty, and addiction. A broader view of the many factors affecting community safety is necessary to identify the best ways to leverage state resources to create better outcomes. An effective system to truly improve public safety should prioritize treatment over punishment for low-level offenders, ensure swift and certain justice for serious violent crimes, and effectively address the needs of victims and communities who have suffered the most from the failures of the existing system.

New Mexico's high crime rates represent real damage to individuals and communities. Effectively addressing the needs of victims and communities is an essential component of improving public safety. Filling gaps in existing victim services and supporting evidence-based programs in communities can both ameliorate some of the harm caused by crime and potentially prevent future crime.

A wide body of research indicates most offenders were themselves victimized. Meeting victim needs can, therefore, address both the consequences of crime and one of its root causes. Furthermore, adequately serving victims may improve their cooperation with prosecutors, reducing criminal case dismissals and increasing the certainty of justice. Unfortunately, the state's existing victim services are often insufficient to meet its high need.

Issues with victim cooperation are responsible for a significant number of criminal case dismissals. Between FY18 and FY20, the 4th Judicial District Attorney reported 14 percent of case dismissals were due to issues with victim or witness cooperation, while an additional 5 percent were due to other issues with victims or witnesses. In an analysis of a sample of individuals charged with four or more separate felonies within the Bernalillo County criminal justice system from 2011 to 2017, LFC's evaluators found issues with victim or witness cooperation were the second-most common reason for felony cases to be dismissed (behind issues with evidence collection) and were responsible for 24 percent of total dismissals. Additionally, an analysis of case dismissals in 2016 and 2017 by the 2nd Judicial District Court found 12 percent of cases were dismissed due to issues with victims or witnesses.

One well-documented gap in victim services exists for survivors of sexual assault. In 2020, New Mexico had the 10th highest rate of rape among states, with the FBI estimating a total of 1,170 incidents, although reported cases represent only a fraction of actual sexual assaults. The National Intimate Partner and Sexual Violence Survey shows a total of 11.5 thousand adult victims of rape in the state in 2019, and the New Mexico Coalition of Sexual Assault Programs reports that child sexual assaults comprise 41 percent of reported sexual assaults in the state, with one in four girls and one in six boys experiencing sexual violence.

According to the national Centers for Disease Control and Prevention (CDC), the harms of sexual violence can be lessened through delivery of evidence-based programming following approaches that include victim-centered services, treatment for victims, and treatment for at-risk children.

Currently, some sexual assault victims in New Mexico face year-long waiting lists for counseling services, and the number of sexual assault nurse examiners serving victims in the state has fallen 43 percent since 2019. Any funding increase should be accompanied by robust reporting requirements to monitor the efficacy of investments and ensure high-quality services are provided to crime victims throughout the state. Increasing funding for victim services is necessary to address existing gaps in the system, but increased funding alone is not sufficient to ensure these services are adequately meeting the state's needs. As with any evidence-based program, ensuring programs are implemented with fidelity and measuring outcomes is key. Accompanying increased appropriations with robust reporting requirements will allow the state to monitor the efficacy of these investments and ensure high-quality services are provided to crime victims throughout the state.

CVRC provides the following comments:

The services funded by this appropriation have been shown to be beneficial to these violent crime victims. “Survivors who had the assistance of an advocate were significantly more likely to have police reports taken and were less likely to be treated negatively by police officers. These women also reported less distress after their contact with the legal system. Similarly, survivors who worked with an advocate during their emergency department care received more medical services, including emergency contraception and sexually transmitted disease prophylaxis, reported significantly fewer negative interpersonal interactions with medical system personnel, and reported less distress from their medical contact experiences.” Campbell, R. (2006). *Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference?* Violence Against Women, 12, 30-45.

Sexual violence service provider agencies were underfunded before the pandemic caused staffing shortages, imposed new expenses for health and safety precautions, and created costly new technology needs for safe service delivery. Historically, NMCVRC has strategically managed federal funds to ensure funding stability for these programs but will be unable to do so in FY23. The primary federal source of funds for crime victim services, VOCA, will be significantly reduced in FY23. Reductions in federal VOCA funds are projected to result in a 22% decrease in funds to support these programs. State funds are needed to insulate these critical services against a serious shortfall of funding support

DUPLICATION, RELATIONSHIP

SB197 relates to House Bill 16, which appropriates \$5 million from the general fund to CVRC to fund law enforcement-based advocates for victims of gun violence and violent crime.

SB197 relates to House Bill 204, which appropriates \$750 thousand from the general fund to CVRC to provide sexual assault services programs.