

LFC Requester:	
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>2-7-17</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB320</u>
<p align="center">Ferrary, Maestas Barnes</p>					
Sponsor:	<u>Richard, & Thomson</u>		Agency Code:	<u>264</u>	
Short Title:	<u>Rape Kit Processing</u>		Person Writing	<u>Gail MacQuesten</u>	
	<u>Public Awareness</u>		Phone:	<u>466-0532</u>	Email <u>gailmacquesten@gmail.com</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
0	400	nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB7
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB320 appropriates \$400,000 from the general fund to the Department of Health to spend in fiscal year 2018 on public awareness and education services provided by sexual assault service providers and related to the processing of sexual assault examination kits. Unspent and unencumbered funds revert to the general fund.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

There are no direct fiscal implications for the district attorneys. It is possible that increased public awareness and education services will lead to more successful sexual assault prosecutions, which may increase costs for the district attorneys.

SIGNIFICANT ISSUES

HB320 appropriates money to fund public awareness and education services provided by sexual assault service providers. It is not clear what the public awareness and education services are, because the sentence structure of HB320 is confusing.

As written, HB320 provides that the appropriation is to fund public awareness and education services provided by sexual assault service providers “and” related to the processing of sexual assault examination kits. Does it mean that it funds unspecified public awareness and education services provided by sexual assault service providers, and also funds public awareness and education services related to the processing of sexual assault examination kits? Or does it mean, as its title indicates, that it funds public awareness and education services provided by sexual assault service providers related to the processing of sexual assault examination kits (but no other forms of public service and education services)? If that is the intent, it would be clearer to delete the “and.”

Assuming that at least part of the intent of HB320 is fund public awareness and education services related to sexual assault examination kits, it is still unclear what information is to be

conveyed. 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. Are the public awareness and education services intended to educate the public on the extent of the backlog problem, or to encourage victims to cooperate in testing?

PERFORMANCE IMPLICATIONS

None, for the district attorneys.

ADMINISTRATIVE IMPLICATIONS

None, for the district attorneys.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB7 appropriates \$1,200,000 dollars from the general fund to the local government division of the department of finance and administration in fiscal years 2018 and 2019 for expenditure in those years for a municipal police department crime laboratory to process sexual assault examination kits. The appropriation is contingent upon the municipality contributing a match of at least two million dollars in each of fiscal years 2018 and 2019. Any unexpended or unencumbered balance remaining at the end of fiscal year 2019 reverts to the general fund.

TECHNICAL ISSUES

See Significant Issues, above.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

No appropriation will be made to fund public awareness and education services provided by sexual assault service providers and related to the processing of sexual assault examination kits.

AMENDMENTS

None proposed.