

LFC Requester:	
-----------------------	--

**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: Date 1-4-17
Original **Amendment** _____ **Bill No:** SB7
Correction _____ **Substitute** _____

Sponsor: Cisco McSorley **Agency Code:** 264
Short Sex Assault Exam Kit **Person Writing** Gail MacQuesten
Title: Police Crime Lab **Phone:** 466-0532 **Email** gailmacquesten@gmail.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
0	1,200	recurring	General Fund
		(in 2019)	

(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	minimal	minimal	unknown	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB7 makes an appropriation to enable the Albuquerque crime lab to process untested sexual assault kits, contingent on Albuquerque also providing funds for that purpose.

SB7 appropriates one million two hundred thousand 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 fiscal years 2018 and 2019 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.

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 AODA. If examination of the sexual assault kits results in increased prosecutions, there will be increased costs for the district attorneys, public defenders, courts, and the corrections department.

SIGNIFICANT ISSUES

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. Albuquerque has its own crime lab, while the state department of public safety operates the crime lab for other state law enforcement entities. <https://www.abqjournal.com/903147/audit-points-to-causes-of-new-mexicos-rape-kit-backlog.html>. The general appropriation act of 2016 appropriated one million two hundred thousand dollars to the department of public safety to address its backlog of untested sexual assault kits, but did not provide an appropriation to assist Albuquerque's crime lab address its backlog.

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.

According to the article cited above, the state auditor estimates that eliminating Albuquerque's backlog will cost seven million dollars. Also according to the article, Albuquerque Mayor Berry has set aside two hundred thousand dollars for testing sexual assault kits.

PERFORMANCE IMPLICATIONS

Testing of sexual assault kits provides information for identifying and prosecuting perpetrators, and can help police and prosecutors determine if one perpetrator is responsible for multiple assaults. The backlog in testing hinders investigation and prosecution of sexual assault cases. The backlog also discourages victims from cooperating with authorities in submitting to sexual assault examinations.

It is unknown whether Albuquerque is willing or able to provide the matching funds required under SB7. And given the state auditor's estimate of the cost to eliminate Albuquerque's backlog, it is not clear whether SB7's appropriation would be sufficient to eliminate the backlog, even if Albuquerque provides the matching funds.

ADMINISTRATIVE IMPLICATIONS

See Performance Implications, above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

No state funds will be provided to assist Albuquerque in reducing its backlog of untested sexual assault kits.

AMENDMENTS

None proposed.