

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1027

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REQUIRING INCREASED PROCESSING OF DNA EVIDENCE TO FACILITATE
PROSECUTION OF SEXUAL CRIMES; AMENDING SECTIONS OF THE SEXUAL
CRIMES PROSECUTION AND TREATMENT ACT.

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

Section 1. Section 29-11-2 NMSA 1978 (being Laws 1978,
Chapter 27, Section 2) is amended to read:

"29-11-2. PURPOSE. -- The purpose of the Sexual Crimes
Prosecution and Treatment Act is to promote effective law
enforcement and prosecution of sexual crimes and to provide
medical and psychological assistance for victims of such
crimes. Implementation of ~~[the Sexual Crimes Prosecution and
Treatment]~~ that act will serve to assist existing community-
based victim treatment programs, to provide interagency

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underscored material = new
[bracketed material] = delete

1 cooperation and training of law enforcement, criminal justice
2 and medical personnel and to effect proper handling and testing
3 of evidence, including DNA evidence, in sexual crime offenses."

4 Section 2. Section 29-11-3 NMSA 1978 (being Laws 1978,
5 Chapter 27, Section 3, as amended) is amended to read:

6 "29-11-3. DEFINITIONS. -- As used in the Sexual
7 Crimes Prosecution and Treatment Act:

8 A. "administrator" means the director of the mental
9 health division of the department of health or such person or
10 office as the administrator may designate to act in his stead;

11 B. "DNA" means deoxyribonucleic acid;

12 [~~B.~~] C. "evidence" means that evidence relating to
13 the commission of a sexual crime;

14 [~~C.~~] D. "medical and psychological treatment"
15 includes that medical, mental or emotional treatment provided a
16 victim of a sexual crime. In addition to the improved physical
17 and emotional condition of a victim, the treatment should
18 result in the improved ability of a victim to make informed and
19 rational choices about serving as a witness in the prosecution
20 of a suspect of a sexual crime; and

21 [~~D.~~] E. "sexual crime" includes any act [~~which~~]
22 that may be alleged to be a sexual offense or an attempted
23 sexual offense under the provisions of [~~Sections 30-9-10~~
24 ~~through 30-9-16~~] Chapter 30, Article 9 NMSA 1978 and Section
25 30-10-3 NMSA 1978. "

1 Section 3. Section 29-11-5 NMSA 1978 (being Laws 1978,
2 Chapter 27, Section 5, as amended) is amended to read:

3 "29-11-5. SEXUAL CRIMES PROSECUTION AND TREATMENT
4 PROGRAM --

5 A. The administrator shall develop, with the
6 cooperation of the [~~eriminal justice~~] corrections department,
7 the New Mexico state police, the crime laboratory bureau of the
8 department of public safety, the New Mexico law enforcement
9 academy, other authorized law enforcement agencies and existing
10 community-based victim treatment programs, a statewide
11 comprehensive plan to train law enforcement officers and
12 criminal justice and medical personnel in the ability to deal
13 with sexual crimes; to develop strategies for prevention of
14 such crimes; to provide assistance in the assembly of evidence
15 for the facilitation of prosecution of such crimes; and to
16 provide medical and psychological treatment to victims of such
17 crimes. This plan shall include [~~but not be limited to~~]:

18 (1) education and training of law enforcement
19 officers and criminal justice and medical personnel;

20 (2) collection, processing and analysis of
21 evidence, [~~which~~] including DNA evidence, that facilitates
22 prosecution of suspects of sexual crimes; [~~and~~]

23 (3) methods to increase processing of DNA
24 evidence to facilitate prosecution of sexual crimes; and

25 [~~(3)~~] (4) medical and psychological treatment

1 of victims of such crimes.

2 B. The comprehensive plan shall be implemented
3 throughout the state, and the administrator may contract with
4 appropriate persons, entities, agencies or community-based
5 programs to provide the services to be rendered pursuant to
6 Subsection A of this section and may pay a reasonable fee for
7 [~~such~~] the services.

8 C. Nothing in this section shall be construed to
9 require criminal prosecution of a suspect of a sexual crime by
10 the victim to whom services are rendered pursuant to the
11 provisions of the Sexual Crimes Prosecution and Treatment Act.

12 D. Training for law enforcement officers in the
13 proper treatment of victims of sexual crimes and collection of
14 evidence and coordination among agencies shall be incorporated
15 in the regular training program for recruits by the New Mexico
16 state police and the basic course taught by the New Mexico law
17 enforcement academy or by other authorized law enforcement
18 agencies. Already commissioned officers and [~~sex-crime~~] sexual
19 crime investigators shall receive advanced training through in-
20 service programs. "

21 Section 4. EFFECTIVE DATE. --The effective date of the
22 provisions of this act is July 1, 2003.