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FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/06

SPONSOR Arnold-Jones LAST UPDATED _____ HB 580

SHORT TITLE Sexual Assault Kits & Victim Services SB _____

ANALYST Lewis

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
200.0		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Department of Health (DOH)

SUMMARY

Synopsis of Bill

House Bill 580, with emergency clause, appropriates \$200,000 from the general fund to the Behavioral Health Services Division of the Department of Health for fiscal years 2006 and 2007 to provide sexual assault kits and other services required by Section 29-11-7 NMSA 1978.

FISCAL IMPLICATIONS

The appropriation of \$200,000 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

SIGNIFICANT ISSUES

Sec. 29-11-7 requires the director of the Mental Health Division of DOH to:

- A. provide free forensic medical exams to victims of sexual crimes;
- B. arrange for victims of sexual crimes to obtain free forensic medical exams; or
- C. reimburse victims of sexual crimes for the cost of forensic medical exams.

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The Department of Health (DOH) reports that 2,654 sex crimes were reported in New Mexico to law enforcement agencies in 2004. Rape crisis and mental health centers served 1,804 victims of sexual assault. Sexual Assault Nurse Examiners (SANE) programs served 1,103 victim patients. Law enforcement agencies and sexual assault service providers reported from 31 to 42 percent of criminal sexual penetration victims were victimized by age 12. Of all victims of non-criminal sexual penetration crimes 62 to 82 percent were also victimized by age 12.

DOH notes that sexual violence is historically underreported, and that these figures represent only those individuals who reported crimes or received services.

According to DOH, the Sex Crime Prosecution and Treatment Act [29-11-1 to 29-11-7] requires DOH/BHSD to provide free forensic medical exams for victims of sexual crimes. Sexual assault kits are used in the forensic medical exams. The cost of providing the services required by Sec. 29-11-7 is in excess of \$500,000 per year in state general fund dollars, which historically have been reallocated annually from other community-based behavioral health treatment services.

HB 580 is not part of the Department of Health's executive budget request.

ML/nt