

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 536

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FOR THE OPTIONAL DESIGNATION OF A TAX REFUND
CONTRIBUTION TO THE SEXUAL ASSAULT EXAMINATION KIT PROCESSING
GRANT FUND; ESTABLISHING THE SEXUAL ASSAULT EXAMINATION KIT
PROCESSING GRANT PROGRAM; PROVIDING POWERS AND DUTIES; CREATING
A FUND.

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

SECTION 1. A new section of the Income Tax Act is enacted
to read:

"[NEW MATERIAL] OPTIONAL DESIGNATION OF TAX REFUND
CONTRIBUTION--SEXUAL ASSAULT EXAMINATION KIT PROCESSING GRANT
FUND.--

A. An individual whose state income tax liability
after application of allowable credits and tax rebates in any

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1 year is lower than the amount of money held by the department
2 to the credit of that individual for that tax year may
3 designate a portion of the income tax refund due to the
4 individual to be paid to the sexual assault examination kit
5 processing grant fund for the department of public safety to
6 award grants to law enforcement agencies for the processing of
7 sexual assault examination kits. In the case of a joint
8 return, both individuals must make that designation.

9 B. The department shall revise the state income tax
10 form to allow the designation of a contribution in the
11 following form:

12 "Sexual Assault Examination Kit Processing Grant Fund -
13 Check [] if you wish to contribute a part or all of your tax
14 refund to the Sexual Assault Examination Kit Processing Grant
15 Fund for the processing of sexual assault examination kits
16 statewide. Enter here \$ _____ the amount of your
17 contribution."

18 C. Instructional materials shall provide that
19 contributions to the sexual assault examination kit processing
20 grant fund may be made directly to the department of public
21 safety.

22 D. The provisions of this section do not apply to
23 an income tax refund subject to interception under the
24 provisions of the Tax Refund Intercept Program Act, and a
25 designation made pursuant to the provisions of this section to

1 that refund is void.

2 E. The department shall distribute one hundred
3 percent of the tax refund contributions pursuant to this
4 section to the state treasury for credit to the sexual assault
5 examination kit processing grant fund for distribution by the
6 department of public safety to law enforcement agencies
7 pursuant to the sexual assault examination kit processing grant
8 program."

9 SECTION 2. [NEW MATERIAL] SEXUAL ASSAULT EXAMINATION KIT
10 PROCESSING GRANT PROGRAM--POWERS AND DUTIES--SEXUAL ASSAULT
11 EXAMINATION KIT PROCESSING GRANT FUND CREATED.--

12 A. As used in this section:

13 (1) "department" means the department of
14 public safety; and

15 (2) "grant program" means the sexual assault
16 examination kit processing grant program established pursuant
17 to this section.

18 B. The department shall establish and administer a
19 grant program to award funds to state and local law enforcement
20 agencies for the processing of sexual assault examination kits.

21 C. Grant funds may be used only for the processing
22 by a state or municipal crime laboratory of biological evidence
23 that was collected in relation to a sexual assault.

24 D. The department:

25 (1) shall establish:

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1 (a) grant program application
2 procedures;

3 (b) guidelines for the grant amounts to
4 be awarded; and

5 (c) criteria for evaluating grant
6 program applications; and

7 (2) may establish additional eligibility
8 criteria for grant program applications.

9 E. Annually, on or before January 1, the department
10 shall provide a report to the taxation and revenue department
11 detailing the results and performance of the grant program.

12 F. The "sexual assault examination kit processing
13 grant fund" is created in the state treasury. The fund
14 consists of voluntary tax refund contributions, gifts, grants
15 and donations. Balances remaining in the fund at the end of a
16 fiscal year shall not revert to any other fund. The department
17 shall administer the fund, and money in the fund is
18 appropriated to the department to administer the grant program.
19 Disbursements from the fund shall be made by warrant of the
20 secretary of finance and administration pursuant to vouchers
21 signed by the secretary of public safety or the secretary's
22 authorized representative.

23 G. A person may make a gift or donation to the
24 sexual assault examination kit processing grant fund through
25 the department.

1 **SECTION 3. DELAYED REPEAL.**--Sections 1 and 2 of this act
2 are repealed effective January 1, 2023.

3 **SECTION 4. APPLICABILITY.**--The provisions of Section 1 of
4 this act apply to taxable years beginning on or after January
5 1, 2017.

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