

1 AN ACT

2 RELATING TO LAW ENFORCEMENT; REQUIRING THE DEPARTMENT OF
3 PUBLIC SAFETY FORENSIC LABORATORIES BUREAU TO ASSIST LOCAL
4 LAW ENFORCEMENT CRIME LABORATORIES WITH TESTING SAMPLES OF
5 BIOLOGICAL MATERIAL COLLECTED PURSUANT TO A MEDICAL
6 EXAMINATION OF A SEXUAL ASSAULT VICTIM AND ALLOWING THE
7 BUREAU TO CHARGE A FEE FOR ASSISTING; CREATING THE SEXUAL
8 ASSAULT EXAMINATION KIT FUND; MAKING AN APPROPRIATION.

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

11 SECTION 1. Section 29-3-4 NMSA 1978 (being Laws 1935,
12 Chapter 149, Section 7, as amended) is amended to read:

13 "29-3-4. STATE AGENCIES--COOPERATION.--

14 A. It is the duty of the university of New Mexico,
15 the human services department, the department of health and
16 all other state departments, divisions, bureaus, boards,
17 commissions, institutions and officials, free of charge or
18 reward, to cooperate with the law enforcement officers of the
19 state and the New Mexico state police, and to render to them
20 such services and assistance relative to microanalysis,
21 handwriting, toxicology, chemistry, photography, medicine,
22 ballistics and all other sciences and matters relating to or
23 that would aid in controlling crime and the detection,
24 apprehension, identification and prosecution of criminals.

25 B. Beginning July 1, 2018 and through

1 June 30, 2021, the department of public safety forensic
2 laboratories bureau shall assist a law enforcement agency
3 crime laboratory in a class A county with a population
4 greater than six hundred thousand according to the most
5 recent federal decennial census by processing and testing
6 sexual assault examination kits that consist of one or more
7 samples of biological material collected pursuant to a
8 medical examination of a sexual assault victim for that
9 laboratory. The bureau may charge a laboratory that the
10 bureau assists as provided in this subsection a fee of up to
11 eight hundred dollars (\$800) for each sexual assault
12 examination kit that the bureau processes and tests. Fees
13 collected by the bureau in accordance with this subsection
14 shall be deposited in the sexual assault examination kit
15 fund.

16 C. As used in this section, "biological material"
17 means material that is derived from a human body and includes
18 bodily fluids, hair and skin cells."

19 SECTION 2. SEXUAL ASSAULT EXAMINATION KIT FUND.--The
20 "sexual assault examination kit fund" is created in the state
21 treasury. The fund consists of fees paid to the department
22 of public safety for the testing of sexual assault
23 examination kits, income from investment of the fund and
24 money otherwise accruing to the fund. Money in the fund
25 shall not revert to any other fund at the end of a fiscal

1 year. The department of public safety shall administer the
2 fund, and money in the fund is appropriated to the department
3 of public safety for expenses related to the testing of
4 sexual assault examination kits in accordance with
5 Subsection B of Section 29-3-4 NMSA 1978. Money in the fund
6 shall be disbursed on warrants signed by the secretary of
7 finance and administration pursuant to vouchers signed by the
8 secretary of public safety or the secretary's authorized
9 representative.

10 SECTION 3. TEMPORARY PROVISION.--On July 1, 2021, the
11 unexpended and unencumbered balance of the sexual assault
12 examination kit fund is transferred to the general fund.

13 SECTION 4. DELAYED REPEAL.--Section 2 of this act is
14 repealed effective July 1, 2021. _____

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