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FISCAL IMPACT REPORT

SPONSOR Stefanics ORIGINAL DATE 2/1/18
LAST UPDATED _____ HB _____

SHORT TITLE Untested Sexual Assault Exam Kit Audits SB 133

ANALYST Romero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
	\$250.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the State Auditor (OSA)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 133 requires the state auditor to conduct a biennial audit of each law enforcement agency in the state to determine the number of untested sexual assault exam kits, the date each exam kit was collected, and the date each exam kit was received by the law enforcement agency. The bill also includes an appropriation from the general fund of \$250 thousand.

FISCAL IMPLICATIONS

The appropriation of \$250 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2021 shall revert to the general fund.

The bill provides for a continuing mandate; however, only includes an appropriation for executing two biennial audits. The Office of the State Auditor (OSA) will need additional funding in its annual budget to maintain this statutory mandate.

SIGNIFICANT ISSUES

The OSA notes, the bill provides for an audit of the number of untested sexual assault kits, but does not provide for additional analysis requirements.

The Department of Public Safety provided the following:

“The Department of Public Safety (DPS) was awarded the Bureau of Justice Assistance (BJA) Sexual Assault Kit Initiative (SAKI) grant in October 2016. There are two requirements to be completed under this grant that are pertinent to this bill:

1. The grant requires DPS to complete a detailed inventory of all sexual assault kits in every state law enforcement agency that are considered “unsubmitted” as of April 25, 2016; and
2. The grant requires DPS to develop a statewide sexual assault kit tracking system that will be used by all Sexual Assault Nurse Examiner (SANE) units across the state to record each sexual assault kit into the system as it is used.

DPS has made substantial progress in the completion of the kits, having completed the inventory from 50 percent of the state, excluding those housed by Albuquerque Police Department (APD). DPS is working closely with APD on their inventory, which will be merged into the statewide inventory for submission to BJA. The full inventory is expected to be completed summer 2018.

The sexual assault kit tracking system is an active project underway at DPS. The requirements for the tracking system are being mapped. Once complete, DPS will seek cost estimates for adapting a kit tracking system developed by Idaho for use in New Mexico. This project is anticipated to be completed in 2019. The tracking system will have the following key points of data entry:

1. The SANE unit will enter the kit into the tracking system with the date of the assault and the date the kit was taken (entries will not contain identifying victim information);
2. The SANE will enter the date the law enforcement agency handling the case picks the kit up;
3. The law enforcement agency will record the date the kit is sent to the forensic laboratory for testing;
4. The lab will record the date the kit was tested and returned to the law enforcement agency.

The outcome of the tracking system will ensure that there is an up to date inventory of all kits taken in the state at any time. DPS will maintain administration of the database and can issue notices to law enforcement who have not submitted the kits in their possession within the 30 day timeframe required by law.

Therefore, the inventory and the tracking system will eliminate the need for an ongoing audit to be performed to ensure the kits are being tested in a timely manner.”

IR/sb