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## FISCAL IMPACT REPORT

SPONSOR Trujillo/Lujan /Garratt/Ortez/Serrato LAST UPDATED 3/17/2023  
ORIGINAL DATE 1/30/2023  
SHORT TITLE Recruit Sexual Assault Service Providers BILL NUMBER House Bill 133  
ANALYST Hanika-Ortiz

### APPROPRIATION\* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	\$2,000.0	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bill 192.

Relates to an appropriation in the General Appropriation Act.

### Sources of Information

LFC Files

#### Responses Received From

Department of Public Safety (DPS)

Crime Victims Reparation Commission (CVRC)

## SUMMARY

### Synopsis of House Bill 133

House Bill 133 (HB133) appropriates \$2 million from the general fund to CVRC to recruit and retain sexual assault service providers.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

## FISCAL IMPLICATIONS

The appropriation of \$2 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY24 shall revert to the general fund.

The funding in the bill would support sub-grants to sexual assault service programs across the state and could become a recurring request if relied on to expand sexual assault victim assistance.

Although House Bill 133 does not specify future appropriations, establishing a new grant program could create an expectation the program will continue in future fiscal years; therefore, this cost is assumed to be recurring. According to CVRC, the primary federal source of funds for crime victim services, *Victims of Crime Act*, is projected to decrease 22 percent for FY23 and an additional 15 percent for FY24.

The current House Appropriations and Finance Committee substitute (HAFC) for House Bill 2 and House Bill 3 includes a \$1 million increase for sexual assault service providers. The bill also includes language that allows CVRC to request budget increases up to \$200 thousand from other state funds. During the 2022 regular and special legislative sessions, CVRC received \$2.7 million in recurring and \$1 million in nonrecurring funding for sexual assault victim services.

## **SIGNIFICANT ISSUES**

In 2020, New Mexico had the 10th highest rate of rape of any state, with the FBI estimating a total of 1,170 incidents. CVRC reports 7,408 sexual assault survivors received services through state-funded service providers in FY22 and 21.3 thousand used the rape crisis hotline, and sexual assault nurse examiners conducted 912 exams of adult victims and 403 of children. The New Mexico Coalition of Sexual Assault Programs (NMCSAP) reports child sexual assaults represented 41 percent of reported sexual assaults in New Mexico in 2019, with one in four girls and one in six boys experiencing sexual violence prior to adulthood; in 2020, the share of reported sexual assaults on children increased to 47 percent. Using funds appropriated during the 2022 legislative session and awarded by CVRC, NMCSAP is engaging in a statewide victimization survey for the first time in two decades to identify and assess state specific needs.

LFC staff research suggests that effective support for crime victims may also have broader public safety implications. A wide body of research indicates most offenders were themselves victimized. Meeting victim needs can, therefore, address both the consequences of crime and one of its root causes. Further, adequately serving victims may improve their cooperation with prosecutors, reducing criminal case dismissals and increasing the certainty of justice. Issues with victim cooperation are a leading cause of criminal case dismissals, with between 12 percent and 24 percent of case dismissals due to issues with victim or witness cooperation. The 2nd Judicial District Attorney's Office, in Bernalillo County, further reports such issues were responsible for almost half of cases for crimes against persons the office declined to prosecute between FY17 and FY22, and almost 30 percent of crimes against property it declined to prosecute.

## **PERFORMANCE IMPLICATIONS**

According to CVRC, the pandemic caused staffing shortages, imposed new expenses for health and safety precautions, and created new technology needs for sexual violence service providers.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3, as amended by the Senate Finance Committee, provides an increase of \$1 million in recurring general fund appropriations to CVRC for sexual assault services.

Senate Bill 192 includes almost \$2 million in appropriations to CVRC for victim services, including

sexual assault services, as well as \$100 thousand to the Department of Finance and Administration for sexual assault nurse examiners (SANEs) and child advocacy centers, \$75 thousand to the 8<sup>th</sup> Judicial District Attorney's Office that can be used to hire or contract for victim assistance services, and \$75 thousand to the Department of Health for sexual assault services in Eddy County.

## **OTHER SUBSTANTIVE ISSUE**

CVRC provided the following background on advocacy outcomes:

Survivors who had the assistance of an advocate were significantly more likely to have police reports taken and were less likely to be treated negatively by police officers. These women also reported less distress after their contact with the legal system. Similarly, survivors who worked with an advocate during their emergency department care received more medical services, including emergency contraception and sexually transmitted disease prophylaxis, reported significantly fewer negative interpersonal interactions with medical system personnel, and reported less distress from their medical contact experiences. Campbell, R. (2006). *Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference?*

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