

LFC Requester:

Scott Sanchez

### AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 2/3/2026

Check all that apply:

Bill Number: HM 39

Original  Correction   
Amendment  Substitute

Sponsor: Rep. Joanne J. Ferrary, Rep. Elizabeth Thomson, Rep. Angelica Rubio

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Analysis: Christa Street

Short Title: Sexual Assault Examination Kits Task Force

Phone: 505-645-5980

Email: Fir.request@nmdoj.gov

#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

#### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

HM 39 “requested to convene a task force to study the current state of sexual assault examination kits in New Mexico and report progress on the processing of backlogged sexual assault examination kits.”

The task force would be comprised of various governmental entities, including, but not limited to the secretary of public safety (or the secretary’s designee), the executive director of the New Mexico coalition of sexual assault programs or the executive director’s designee, the state auditor (or designee), and the Attorney General (or the Attorney General’s designee). See Sections A-L.

HM 39 notes that the co-chairs of the task force would be the secretary of public safety or the secretary’s designee and the executive director of the New Mexico coalition of sexual assault programs or the designee.

HM 39 notes that the task force would meet in July 2026.

HM 39 notes that the task force “report to the interim legislative committee dealing with courts, corrections, and justice issues” and the “legislative health and human services committee” with respect to the task force’s updates and recommendations on following criteria:

- (A) Statewide “progress made in processing sexual assault examination kits to meet the time line defined in Section 30-9-21 NMSA 1978”
- (B) The “adequacy of services available to survivors who are affected by the processing of sexual assault examination kits”
- (C) Potential solutions identified by the task force to “any current challenges in the processing of sexual assault examination kits.”
- (D) Any legislation the task force recommends for introduction.

HM 39 also “[resolved] that copies of this memorial be transmitted to the secretary of public safety, the executive director of the New Mexico coalition of sexual assault programs, the attorney general, the director of the department of public safety’s forensic laboratories bureau, the director of the Albuquerque police department’s crime laboratory and the statewide sexual assault nurse examiner coordinator.”

**FISCAL IMPLICATIONS**

None for the NMDOJ.

## **SIGNIFICANT ISSUES**

None.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

Either the Attorney General or the Attorney General's designee would have an opportunity to participate in this task force.

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

HM 39 is virtually identical to SM 17. There are no substantive differences between the two bills.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

SM 17 describes a "timeline" contained in the Sexual Assault Survivor's Bill of Rights. *See* NMSA 1978, § 30-9-21. The "timeline" mentioned in SM 17 is likely referring to Section 30-9-21(D), which establishes a 180-day deadline for the completion of the processing of the sexual assault examination kit. Clarification regarding the applicable subsection may be helpful to the proposed task force.

Missing from the composition of the task force are: the association of district attorneys and/or victim advocates who assist sexual assault victims across the state. A representative from the association of district attorney's may be particularly valuable, as district attorneys are the primary prosecuting authorities of sexual assault crimes throughout the state.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

## **AMENDMENTS**

None.