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FISCAL IMPACT REPORT

BILL NUMBER: House Memorial 39

SHORT TITLE: Sexual Assault Exam Kit Task Force

SPONSOR: Ferrary/Thompson/Rubio

LAST ORIGINAL
UPDATE: _____ **DATE:** 02/03/2024 **ANALYST:** Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS/CVRC	No fiscal impact	Indeterminate but minimal	No fiscal impact	Indeterminate but minimal	Nonrecurring	General Fund
Total	No fiscal impact	Indeterminate but minimal	No fiscal impact	Indeterminate but minimal	Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

- Department of Public Safety
- Crime Victims Reparation Commission
- Office of the State Auditor
- Office of the Attorney General

Agency or Agencies That Declined to Respond

- Department of Health

SUMMARY

Synopsis of House Memorial 39

House Memorial 39 (HM39) requests the secretary of the Department of Public Safety (DPS) and the executive director of the New Mexico Coalition of Sexual Assault Programs jointly convene a task force to study the current state of sexual assault examination kits in New Mexico.

The memorial asks that the task force include members from the Office of the State Auditor and Attorney General’s office, directors of rape crisis centers, the director of DPS forensic laboratory, the coordinators of the DPS sexual assault kit initiative, the director of the Albuquerque Policy Department’s crime laboratory, and the statewide sexual assault nurse examiner coordinator.

The task force is to identify current procedures, evaluate barriers to timely testing, and assess progress in reducing the backlog of untested or unsubmitted kits.

FISCAL IMPLICATIONS

Memorials do not contain appropriations nor are they enforceable as law, but the actions it requests may carry fiscal implications for participating agencies. DPS and the New Mexico Coalition of Sexual Assault Programs may incur administrative and operational costs to support coordination, staffing, data collection, stakeholder engagement, and the preparation of a formal report.

While these activities may be absorbed within existing agency budgets, depending on the scope, any extensive undertaking, particularly one involving a statewide inventory of backlogged kits or a comprehensive review of kit-handling practices, could require reallocation of resources.

SIGNIFICANT ISSUES

The memorial cites the *2024 New Mexico Crime Victimization Report*, which states that 54 percent of New Mexicans have experienced rape or sexual assault in their lifetimes. Of those surveyed, 40 percent were 12 or younger at the time of the first incident, and 28 percent required medical treatment for injuries sustained. In light of these findings, the memorial underscores the urgency of reviewing the backlog and processing practices related to sexual assault examination kits, which are often critical evidence in criminal investigations and prosecutions.

PERFORMANCE IMPLICATIONS

DPS reports quarterly on the “*number of sexual assault examination kits not completed within one hundred eighty days of receipt of the kits by the forensic laboratory*” under the requirements of the Accountability in Government Act. While the most recent annual report from FY25 indicated the number had climbed to 1,419, the state lab received a special appropriation of \$5.7 million to outsource other cases to contract laboratories in FY25, so that the labs could focus on clearing cases that are required to be handled in-state, such as sexual assault examination kits. The lab has recently reduced vacancies by over 30 percent and hopes to complete training for the newly hired forensic scientists by the end of 2026.

SS/dw/ct