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HOUSE MEMORIAL 58

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Matthew McQueen

A MEMORIAL

REQUESTING THAT THE SECRETARY OF PUBLIC SAFETY AND THE DIRECTOR OF THE STATEWIDE COALITION TO END SEXUAL VIOLENCE CONVENE A TASK FORCE TO STUDY AND REPORT ON THE PROCESSING OF BACKLOGGED SEXUAL ASSAULT EXAMINATION KITS.

WHEREAS, reports of sexual assaults in New Mexico have increased sixty-two percent since 2003, and from 2003 through 2012, state funding for services for survivors of sexual assault has not increased to meet the increase in reports; and

WHEREAS, sixty-six percent of incidents of sexual violence in New Mexico are committed against children and adolescents, which is twelve percent higher than the national average; and

WHEREAS, one in four women and one in twenty men in New Mexico experience an attempted or completed rape in their lives, and eighty-three percent of those attempted or completed

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1 rapes are not reported; and

2 WHEREAS, sexual assault survivors deserve the opportunity
3 to receive information about the status of their cases,
4 particularly if their cases are reopened or if additional
5 information or evidence is revealed; and

6 WHEREAS, this state, like many other states, has
7 identified a backlog of more than five thousand sexual assault
8 examination kits that have not been processed; and

9 WHEREAS, as the state completes processing of backlogged
10 sexual assault examination kits, new information and evidence
11 will be revealed about survivors' cases, and increased services
12 for survivors of sexual assault will be needed; and

13 WHEREAS, for every survivor whose sexual assault
14 examination kit was backlogged or not tested, the law should
15 grant the survivor or the survivor's representative the right
16 to:

17 A. be notified by law enforcement and sexual
18 assault service providers of any change in the status of the
19 survivor's case;

20 B. be notified of a DNA evidence match in the DNA
21 database in connection with the survivor's case;

22 C. be notified that the survivor's closed case has
23 been reopened; and

24 D. receive services by sexual assault service
25 providers when the survivor's untested or backlogged sexual

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1 assault examination kit is tested;

2 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
3 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary
4 of public safety and the director of the statewide coalition to
5 end sexual violence be requested to convene a task force to
6 assess the progress of processing backlogged sexual assault
7 examination kits and to make related recommendations; and

8 BE IT FURTHER RESOLVED that the task force be composed of:

9 A. the secretary of public safety or the
10 secretary's designee;

11 B. the director of the statewide coalition to end
12 sexual violence or the director's designee;

13 C. the state auditor or the state auditor's
14 designee;

15 D. the attorney general or the attorney general's
16 designee;

17 E. the director of a rape crisis center that serves
18 a community with a population of one hundred thousand or
19 greater;

20 F. the director of a rape crisis center that serves
21 a community with a population of less than one hundred
22 thousand;

23 G. the director of a sexual assault nurse examiner
24 program that serves a community with a population of one
25 hundred thousand or greater;

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1 H. the director of a sexual assault nurse examiner
2 program that serves a community with a population of less than
3 one hundred thousand;

4 I. the chief of the department of public safety's
5 forensic laboratories bureau;

6 J. the director of the Albuquerque police
7 department's crime laboratory; and

8 K. the statewide sexual assault nurse examiner
9 coordinator; and

10 BE IT FURTHER RESOLVED that the secretary of public safety
11 or the secretary's designee and the director of the statewide
12 coalition to end sexual violence or the director's designee
13 serve as co-chairs of the task force; and

14 BE IT FURTHER RESOLVED that the task force meet at least
15 two times each year for five years, beginning in 2016; and

16 BE IT FURTHER RESOLVED that the task force report annually
17 to the interim legislative committee dealing with courts,
18 corrections and justice issues and to the legislative health
19 and human services committee with the task force's
20 recommendations and updates on:

21 A. progress made on processing backlogged sexual
22 assault examination kits;

23 B. contacts made by law enforcement and rape crisis
24 center representatives with survivors whose sexual assault
25 examination kits have been processed and where DNA evidence

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1 matches have been made in the DNA database;

2 C. the adequacy of support services available to
3 survivors who are affected by the processing of backlogged
4 sexual assault examination kits; and

5 D. any legislation the task force recommends for
6 introduction; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the secretary of public safety, the director of
9 the statewide coalition to end sexual violence, the attorney
10 general, the chief of the department of public safety's
11 forensic laboratories bureau, the director of the Albuquerque
12 police department's crime laboratory and the statewide sexual
13 assault nurse examiner coordinator.