

SB 123

nmSAFE

Making New Mexico safe for all children & families

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Bill Analysis 2018 Regular Session

SPONSOR: Senator Cisco McSorley

SHORT TITLE: Sexual Assault Exam Kit Processing

SYNOPSIS OF BILL: Appropriates \$1.2 million to fund a laboratory to process sexual assault examination kits, contingent upon matching funds.

STRENGTHS: According to a special audit by the Office of the State Auditor, New Mexico has more untested rape kits per capita than any other state in the country. This bill would help to address this important public safety issue by funding a municipal police department crime lab specifically to process untested rape kits. This bill also addresses public safety by restoring trust in the investigative process; victims are much more likely to cooperate with law enforcement if they actually believe that the difficult decision they are making will result in a thorough investigation. By simply testing the untested rape kits, New Mexico could potentially identify and prosecute dangerous criminals that have not previously faced charges.

ADDITIONAL INFO: The state auditor's report on this issue found that there are 254 untested rape kits for every 100,000 residents in New Mexico. The state with the next worst record in processing kits is Michigan with 153 for every 100,000 residents. Appropriating these funds could lead to a sharp if temporary increase in the number of serious court cases filed, and this would increase the demand for resources from the courts, prosecutors and public defenders.

| <u>S</u>afer | <u>A</u>political | <u>F</u>iscally-Responsible | <u>E</u>vidence Based | Grade |
|---|---|---|--|-----------------|
| <p>Increases public safety by identifying sexual abusers who could possibly still be offending. Also increases likelihood of cooperation between sexual abuse survivors and the police if there is a thorough and complete investigation.</p> | <p>This legislation is the result of justifiable community outrage.</p> | <p>Given the urgency of the problem, it's crucial that these funds be spent to help fix it. At the same time, this legislation could temporarily increase workloads for courts, district attorneys, and public defenders.</p> | <p>By leaving rape kits untested, sexual assault perpetrators are potentially free in the community and possibly still offending. By simply testing the kits, law enforcement will be able to identify suspects. DNA rape kits have also been used to exonerate innocent people.</p> | <p>A</p> |