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March 1, 2017

Senator Mimi Stewart
313 Moon NE
Albuquerque, NM 87123

Dear Senator Stewart,

The Joyful Heart Foundation strongly supports **Senate Bill 474** and **Senate Bill 475**. S.B. 474 would encourage resource sharing to process all rape kits. S.B. 475 would establish submission deadlines, reporting provisions, and requirements to implement policies regarding rape kits.

When jurisdictions test every kit connected with a reported crime, they can solve crimes, offer a path to healing for survivors, hold violent criminals accountable, increase public safety, and exonerate the wrongfully convicted. In 2016, the New Mexico State Auditor released a report investigating the backlog in New Mexico, announcing a total of 5,440 untested rape kits across the state. This backlog represents a failure of the criminal justice system to protect sexual assault survivors and hold perpetrators accountable for these crimes.

S.B. 474 would tackle this backlog by requiring the Department of Public Safety (DPS) labs to process and test kits for local law enforcement agency crime labs with more than 100 untested kits. Resource sharing increases New Mexico's capacity to test all new kits in a timely manner and upload qualifying DNA profiles to the national Combined DNA Index Database (CODIS). Joyful Heart recommends adding language to set explicit deadlines to notify DPS of a backlog, deliver kits to DPS, and process and test kits. Doing so will strengthen the bill and prevent future backlogs.

S.B. 475 would require local law enforcement agencies to implement policies regarding the handling of rape kits and to submit kits for testing and processing within 30 days of receipt, increasing accountability in agencies across the state. Joyful Heart suggests including testing timeframes in the language to ensure consistency and timeliness in kit testing as well. Such language would expand S.B. 475's accountability provisions.

The bill would also require labs to report annually to the legislature if they have an inventory of 300 or more untested kits in their possession. Annual reports bring about transparency, and this provision is a step towards full transparency. Joyful Heart recommends requiring both local law enforcement agencies and labs to report on their inventories, kits submitted (for law enforcement), and kits tested (for labs), regardless of their current inventory. When law enforcement agencies and labs annually report their numbers, survivors and the public can monitor progress on ending the rape kit backlog.

We thank you for your leadership in bringing forth commendable legislation to bring justice for survivors and apprehend dangerous offenders. We urge the legislature to move forward with these bills, and we look forward to supporting continued efforts to end the backlog.

Sincerely,

A handwritten signature in black ink, reading "Ilse Knecht". The signature is written in a cursive, flowing style.

Ilse Knecht

Director, Policy & Advocacy