

## NEW MEXICO



State legislatures consider and enact laws that address the administration and use of forensic science by state justice systems. Issues addressed in these measures include the delegation of oversight responsibilities for forensic services, accreditation standards for forensic laboratories, access to post-conviction DNA testing, the collection and analysis of DNA samples from arrested and convicted individuals and procedures for eyewitness identification. Following is information on this state's legislative activity on forensic science issues. More information on forensic science policy from all 50 states and the District of Columbia is available on the NCSL [forensic science page](#).



### **Administration of State Forensic Services ..... §§ 9-19-7, 29-16-1 through 13**

The state administers its forensic services through the New Mexico Department of Public Safety.

### **State Oversight of Forensic Services ..... § 29-16-5**

The state's DNA Oversight Committee is responsible for oversight of DNA identification services. The primary purpose of the committee is to develop rules and procedures regarding the administration and operation of the DNA identification system.

### **Convicted Offender DNA Analysis ..... §§ 29-16-6, 3**

People convicted of any felony or sex crime misdemeanor must submit a DNA sample to state officials. Sample collection applies to juveniles convicted as an adult.

### **Arrestee DNA Analysis ..... §§ 29-3-10, 29-16-10**

People arrested for all felonies must submit a DNA sample to state officials. A probable cause hearing is required before a judge or magistrate. The sample is collected at booking. It can be analyzed when it is collected if the individual was arrested with a warrant. If the individual was not arrested pursuant to a warrant, the sample can be analyzed after the probable cause hearing. The sample is expunged upon request. Sample collection does not apply to juveniles.

### **Post Conviction DNA Analysis ..... § 31-1A-2**

The state allows an individual convicted of a felony to apply for post-conviction DNA testing. Their application must show by a preponderance of the evidence the test will produce admissible evidence. New Mexico code has specifications for the preservation of biological evidence.