

Suggested Legislation

Related to reforming reporting including data collection on sexual assault against individuals with disabilities; Making an Appropriation

An Act

Related to the New Mexico Crime Victims Reparation Commission to conduct a RFP for a three year professional contract with non-reverting funds to study current reporting including data collection procedures on Sexual Assault against Individuals with Disabilities with reports to the legislative Health and Human Services Committee on an annual basis with recommendations on how to reform reporting requirements including data collection; making an appropriation.

Be It enacted by the legislature of the state of New Mexico :

Findings and Purpose:

- 1) Existing statutory language of reporting is vague and inconsistent regarding mandatory reporting of suspected abuse.
- 2) Investigations of abuse against individuals with disabilities are often administrative in nature and does not result in legal action.
- 3) Data is primarily collected by sexual assault providers when law enforcement is involved and many individuals with disabilities do not report.
- 4) Data collected by the Incident Management Bureau does not separate out Sexual Assault from other forms of abuse.
- 5) Data collected by the Incident Management Bureau does not include peer to peer or non-paid family or community member abuse or assault.
- 6) The current statistics on numbers of individuals with disabilities who are sexually assaulted is hard to find including statistics on the locations where most abuse occurs, the typical offender, etc.
- 7) Individuals with disabilities and their support systems need clear instructions as to how to report in order to assure that reporting, investigation and prosecution occurs.
- 8) Individuals with disabilities and their support systems deserve to have reports acted upon and investigated in a timely and effective manner.
- 9) Data collection on sexual assault against individuals with disabilities can help to identify trends, and needs including locations and types of sexual assault.
- 10) This study will occur over three years with annual recommendations to the legislature on how to reform reporting including data collection to streamline and standardize the process including data collection and criminal justice response.
- 11) This study and subsequent recommendations shall be conducted utilizing a “No Wrong Door” approach.
- 12) This study will include gathering information from providers of sexual assault survivor services, representatives of the New Mexico Coalition of Sexual Assault Programs, representatives of law enforcement; providers of supports and services to individuals enrolled in the Medicaid

Developmental Disabilities waiver, the NM Department of Health Developmental Disabilities Supports Division, the New Mexico Statewide Independent Living Council, Disability Rights New Mexico, The Arc of New Mexico, The Division of Health Improvement Incident Management Bureau, New Mexico Adult Protective Services, New Mexico Aging and Long Term Services, New Mexico Children Youth and Families Department, New Mexico Corrections Department Prison Rape Elimination Act Coordinator; New Mexico Crime Victims Reparation Commission; New Mexico District Attorney's Association; New Mexico Attorney General's Office; New Mexico State Police, New Mexico Department of Public Safety, Coalition to Stop Violence Against Native Women, New Mexico Coalition Against Domestic Violence, Catholic Charities and other relevant parties.

Main Provision

An Appropriation of \$450,000 with non-reverting funds should be made to the New Mexico Crime Victims Reparation Commission with the intent to issue a RFP for a professional contract for a three year study to review and make recommendations for streamline reporting including data collection procedures on sexual assault against individuals with disabilities. Recommendations will be made on an annual basis to the legislative Health and Human Services Committee.