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AN ACT

RELATING TO DOMESTIC VIOLENCE; IMPOSING A FEE UPON OFFENDERS;
CREATING A FUND; MAKING AN APPROPRIATION TO DEFRAY THE COST OF
PROVIDING TREATMENT TO DOMESTIC VIOLENCE OFFENDERS.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 34, Article 6 NMSA 1978 is enacted to
read:

"COURT FEES--DEPOSIT IN THE DOMESTIC VIOLENCE OFFENDER
TREATMENT FUND.--

A. In addition to any other fees collected in the district court,
metropolitan court and magistrate court, those courts shall assess and collect from a
person convicted of a penalty assessment misdemeanor, traffic violation, petty
misdemeanor, misdemeanor or felony offense a "domestic violence offender treatment
fee" of five dollars (\$5.00).

B. Domestic violence offender treatment fees shall be deposited in the
domestic violence offender treatment fund."

Section 2. DOMESTIC VIOLENCE OFFENDER TREATMENT FUND
CREATED--APPROPRIATION--PROGRAM REQUIREMENTS.--

A. The "domestic violence offender treatment fund" is created in the
state treasury. All fees collected pursuant to the provisions of Section 1 of this shall
be transmitted monthly to the department of finance and administration for credit to the
domestic violence offender treatment fund.

B. Balances in the domestic violence offender treatment fund are
appropriated to the children, youth and families department to provide funds to
domestic violence offender treatment programs to defray the cost of providing
treatment to domestic violence offenders. Unexpended or unencumbered balances
remaining in the fund at the end of any fiscal year shall not revert to the general fund.

C. Payment out of the domestic violence offender treatment fund shall

1 be made on vouchers issued and signed by the secretary of children, youth and
2 families upon warrants drawn by the department of finance and administration.

3 D. In order to be eligible for money from the domestic violence
4 offender treatment fund, a domestic violence offender treatment program shall include
5 the following components in its program:

6 (1) an initial assessment to determine if a domestic violence
7 offender will benefit from participation in the program;

8 (2) a written contract, which must be signed by the domestic
9 violence offender, that sets forth:

10 (a) attendance and participation requirements;
11 (b) consequences for failure to attend or participate in
12 the program; and

13 (c) a confidentiality clause that prohibits disclosure of
14 information revealed during treatment sessions;

15 (3) strategies to hold domestic violence offenders accountable
16 for their violent behavior;

17 (4) a requirement that group discussions are limited to
18 members of the same gender;

19 (5) an education component that:

20 (a) defines physical, emotional, sexual, economic and
21 verbal abuse and techniques for stopping those forms of abuse; and

22 (b) examines gender roles, socialization, the nature of
23 violence, the dynamics of power and control and the effects of domestic violence on
24 children;

25 (6) a requirement that a domestic violence offender not be
under the influence of alcohol or drugs during a treatment session;

(7) a requirement that the program provide monthly written
reports to the presiding judge or the domestic violence offender's probation or parole
officer regarding:

- 1 (a) proof of the domestic violence offender's enrollment S
2 in the program; J
3 (b) progress reports that address the domestic C
4 violence offender's attendance, fee payments and compliance with other program /
5 requirements; and S
6 (c) evaluations of progress made by the domestic B
7 violence offender and recommendations as to whether or not to require the offender's
8 further participation in the program; and
9 (8) a requirement that the term of the program be at least fifty- 3
two weeks. 2
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10 E. Counseling for couples shall not be a component of a domestic
11 violence offender treatment program.

12 F. As used in this section, "domestic violence offender" means:

- 13 (1) a person convicted for an offense pursuant to the
14 provisions of the Crimes Against Household Members Act; or
15 (2) a person convicted for violating an order of protection
16 granted by a court pursuant to the provisions of the Family Violence Protection Act.

17 Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act
18 is July 1, 2003.
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