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HOUSE BILL 414

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Danice Picraux

AN ACT

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

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

**Section 1. DOMESTIC VIOLENCE OFFENDERS-- FEE ASSESSED UPON
CONVICTION. --**

**A. A domestic violence offender shall be assessed,
in addition to any other fine or fee imposed by the court:**

**(1) upon a first conviction, a fee of one
hundred fifty dollars (\$150);**

**(2) upon a second conviction, a fee of three
hundred dollars (\$300); and**

(3) upon a third or subsequent conviction, a

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1 fee of five hundred dollars (\$500).

2 B. The fees collected pursuant to the provisions of
3 this section shall be deposited in the domestic violence
4 offender treatment fund to defray the cost of providing
5 treatment to domestic violence offenders. All fees collected
6 pursuant to the provisions of this section shall be subject to
7 an audit by the state auditor.

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

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

15 B. Balances in the domestic violence offender
16 treatment fund are appropriated to the children, youth and
17 families department to provide funds to domestic violence
18 offender treatment programs to defray the cost of providing
19 treatment to domestic violence offenders.

20 C. Payment out of the domestic violence offender
21 treatment fund shall be made on vouchers issued and signed by
22 the secretary of children, youth and families upon warrants
23 drawn by the department of finance and administration.

24 D. In order to be eligible for money from the
25 domestic violence offender treatment fund, a domestic violence

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1 offender treatment program shall include the following
2 components in its program:

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

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

8 (a) attendance and participation
9 requirements;

10 (b) consequences for failure to attend
11 or participate in the program; and

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

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

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

19 (5) an education component that:

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

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

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

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

7 (a) proof of the domestic violence
8 offender's enrollment in the program;

9 (b) progress reports that address the
10 domestic violence offender's attendance, fee payments and
11 compliance with other program requirements; and

12 (c) evaluations of progress made by the
13 domestic violence offender and recommendations as to whether or
14 not to require the offender's further participation in the
15 program; and

16 (8) a requirement that the term of the program
17 be at least fifty-two weeks.

18 E. Counseling for couples shall not be a component
19 of a domestic violence offender treatment program

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

22 (1) a person convicted for an offense pursuant
23 to the provisions of the Crimes Against Household Members Act;
24 or

25 (2) a person convicted for violating an order

1 of protection granted by a court pursuant to the provisions of
2 the Family Violence Protection Act.

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

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