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SENATE BILL 1092

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Nancy Rodriguez

AN ACT

RELATING TO DOMESTIC ABUSE; CREATING THE DOMESTIC VIOLENCE
HOMICIDE REVIEW TEAM; PROVIDING DUTIES; ESTABLISHING
CONFIDENTIALITY OF CERTAIN RECORDS AND COMMUNICATIONS;
PROVIDING IMMUNITY FROM CIVIL LIABILITY.

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

Section 1. A new section of the Crime Victims Reparation
Act is enacted to read:

"[NEW MATERIAL] DOMESTIC VIOLENCE HOMICIDE REVIEW TEAM--
CREATION--MEMBERSHIP--DUTIES--CONFIDENTIALITY--CIVIL
LIABILITY.--

A. The "domestic violence homicide review team" is
created within the commission for the purpose of reviewing the
facts and circumstances of domestic violence related homicides
and sexual assault related homicides in New Mexico, identifying

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1 the causes of the fatalities and their relationship to
2 government and nongovernment service delivery systems and
3 developing methods of domestic violence prevention.

4 B. The team shall consist of the following members
5 appointed by the director of the commission:

- 6 (1) medical personnel with expertise in
7 domestic violence;
- 8 (2) criminologists;
- 9 (3) representatives from the New Mexico
10 district attorneys association;
- 11 (4) representatives from the attorney general;
- 12 (5) victim services providers;
- 13 (6) civil legal services providers;
- 14 (7) representatives from the public defender
15 department;
- 16 (8) members of the judiciary;
- 17 (9) law enforcement personnel;
- 18 (10) representatives from the department of
19 health who deal with domestic violence victims' issues;
- 20 (11) representatives from tribal organizations
21 who deal with domestic violence; and
- 22 (12) any other members the director of the
23 commission deems appropriate.

24 C. The domestic violence homicide review team
25 shall:

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1 (1) review trends and patterns of domestic
2 violence related homicides and sexual assault related homicides
3 in New Mexico;

4 (2) evaluate the responses of government and
5 nongovernment service delivery systems and offer
6 recommendations for improvement of the responses;

7 (3) identify and characterize high-risk groups
8 for the purpose of recommending developments in public policy;

9 (4) collect statistical data in a consistent
10 and uniform manner on the occurrence of domestic violence
11 related homicides and sexual assault related homicides; and

12 (5) improve collaboration between tribal,
13 state and local agencies and organizations to develop
14 initiatives to prevent domestic violence.

15 D. The following items are confidential, and not
16 subject to subpoena, subpoena duces tecum, discovery or
17 disclosure and shall not be used as evidence in any criminal or
18 civil proceeding:

19 (1) all records, reports or other information
20 obtained or created by the domestic violence homicide review
21 team for the purpose of reviewing domestic violence related
22 homicides or sexual assault related homicides pursuant to this
23 section; and

24 (2) all communications made by domestic
25 violence homicide review team members or other persons during a

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1 review conducted by the team of a domestic violence related
2 homicide or a sexual assault related homicide.

3 E. The following persons shall honor the
4 confidentiality requirements of this section and shall not be
5 required to make disclosure, either by subpoena, subpoena duces
6 tecum or discovery in any criminal or civil proceeding, of any
7 matter related to the team's review of a domestic violence
8 related homicide or a sexual assault related homicide:

9 (1) domestic violence homicide review team
10 members;

11 (2) persons who provide records, reports or
12 other information to the team for the purpose of reviewing
13 domestic violence related homicides and sexual assault related
14 homicides; and

15 (3) persons who participate in a review
16 conducted by the team.

17 F. Nothing in this section shall prevent the
18 discovery or admissibility of any evidence that is otherwise
19 discoverable or admissible merely because the evidence was
20 presented during the review of a domestic violence related
21 homicide or a sexual assault related homicide pursuant to this
22 section.

23 G. Domestic violence homicide review team members
24 shall not be subject to civil liability for any act related to
25 the review of a domestic violence related homicide or a sexual

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1 assault related homicide; provided that the members act in good
2 faith, without malice and in compliance with other state or
3 federal law.

4 H. An organization, institution, agency or person
5 who provides testimony, records, reports or other information
6 to the domestic violence homicide review team for the purpose
7 of reviewing domestic violence related homicides or sexual
8 assault related homicides shall not be subject to civil
9 liability for providing the testimony, records, reports or
10 other information to the team; provided that the organization,
11 institution, agency or person acts in good faith, without
12 malice and in compliance with other state or federal law.

13 I. At least thirty days prior to the convening of
14 each regular session of the legislature, the domestic violence
15 homicide review team shall transmit a report of its activities
16 pursuant to this section to:

- 17 (1) the governor;
- 18 (2) the legislative council;
- 19 (3) the chief justice of the supreme court;
- 20 (4) the secretary of public safety;
- 21 (5) the secretary of children, youth and
22 families;
- 23 (6) the secretary of health; and
- 24 (7) any other persons the team deems
25 appropriate."

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1 Section 2. EFFECTIVE DATE.--The effective date of the
2 provisions of this act is July 1, 2007.

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