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FISCAL IMPACT REPORT

ORIGINAL DATE 2/16/07
 LAST UPDATED 3/09/07 HB _____

SPONSOR Rodriguez

SHORT TITLE Domestic Violence Homicide Review Team SB 1092/aSPAC/aSFI

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NA	\$100.0	\$100.0	\$200.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Department of Public Safety (DPS)
 Crime Victims Reparation Commission (CVRC)
 Department of Health (DOH)
 Children, Youth and Families Department (CYFD)

No Response Received From

Governor's Office

SUMMARY

Synopsis of SFI Amendment

The Senate Floor Amendment 1 to Senate Bill 1092 removes language pertaining to subpoena duces tecum, discovery or disclosure to not be used as evidence in any criminal or civil proceeding in regards to confidentiality. The amendment states persons honoring the confidentiality requirements of this section will not make disclosure of any matter related to the teams' review of a domestic violence related homicide or a sexual assault related homicide except pursuant to appropriate court orders.

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Bill 1092 adds representatives from the Aging and Long Term Services Department and Children, Youth and Families Department to the Domestic Violence Homicide Review Team to be created in the proposed legislation.

Synopsis of Original Bill

Senate Bill 1092 amends the Crime Victims Reparation Act to create the Domestic Violence Homicide Review Team for the purpose of reviewing the facts and circumstances of domestic violence related homicides and sexual assault-related homicides in New Mexico, identifying the causes of the fatalities and their relationship to government and non-government service delivery systems, and developing methods of domestic violence prevention. The members of the Domestic Violence Homicide Review Team are to be appointed by the director of the Crime Victims Reparation Commission. The Domestic Violence Homicide Review Team has the following duties: review trends and patterns of domestic violence-related and sexual assault-related homicides in New Mexico; evaluate the responses of government and non-government service delivery systems, recommending improvements; identify high-risk groups; collect statistical data on such homicides; and improve collaboration between tribal, state and local agencies to develop initiatives to prevent domestic violence.

The proposed legislation deems the records, reports, other information and communication for purpose of reviewing domestic violence related homicides or sexual assaults to be confidential. The review team members, persons providing information and person participating in a review are to honor the confidentiality provisions and not disclose such information. The proposed legislation provides that the review team members are not subject to civil liability from any act related to a review, if the members act in good faith. Also, organizations, institutions, agencies or persons providing testimony, records, reports or other information to the review team are not subject to civil liability from providing such information, if they act in good faith.

FISCAL IMPLICATIONS

CVRC states it would require a recurring appropriation of \$100 thousand to implement the proposed legislation.

SIGNIFICANT ISSUES

DOH states the Senate Public Affairs committee amendment to Senate Bill 1092 strengthens the opportunity for inter-departmental collaboration of the Domestic Violence Homicide Review Team by including two other executive branch departments that work with domestic violence.

DOH reports domestic violence is a significant issue in New Mexico. A recent statewide victimization survey indicated that nearly one in three women and one in seven men suffer from domestic violence at some point in their lives. In 2005, women reported 237,750 incidents and men reported 102,065 incidents of domestic violence in the state. Additionally, New Mexico law enforcement officers reported that 4,600 children were present at the scene of a domestic violence incident in 2005.

DOH states since 1997, the University of New Mexico (UNM) Department of Emergency Medicine has periodically organized Intimate Partner Violence Death Review Teams on an ad hoc basis to review and report on these deaths. In a 2006 report, *Getting Away With Murder*, the UNM team reported on 30 homicides that were intimate partner related in 2001 and 2002. DOH notes domestic violence homicide review teams allow for the systematic review of domestic violence related deaths in order to help prevent future deaths, to protect the safety of battered

women and men, and to guide the development of policy to hold accountable both offenders and the agencies responsible for protecting victims. Nationally there are domestic violence homicide review teams in nearly every state and there are at least 12 states with statutes mandating the activities of the review team.

CYFD reports the department is the lead agency for domestic violence services and programming in New Mexico, but the proposed legislation does not identify the department to have a member on the review team.

ADMINISTRATIVE IMPLICATIONS

AOC states there may be a minor administrative impact on the courts as the result of participating on the Domestic Violence Homicide Review Team.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation has relationships to House Bill 216, House Bill 378, House Bill 423, House Bill 620, House Bill 877, Senate Bill 83, Senate Bill 94, Senate Bill 177, Senate Bill 446, Senate Bill 457, Senate Bill 820, Senate Bill 867 and Senate Bill 1076, all these bills deal with domestic violence issues.

OTHER SUBSTANTIVE ISSUES

In 2004, there were nearly 27,000 domestic violence cases in New Mexico, according to a June 2005 report for the State Department of Health. Using data from the Dept. of Public Safety, the study revealed that there were 63 domestic violence homicide victims in 2004. The relationship of the offender to the victim was known in only 42 of the 63 cases; however, of those 42 cases, 93% were perpetrated by someone known to the victim, males and females were victimized almost equally, most of the victims were over age 66, while most of the offenders were males between the ages of 19 and 25.

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