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HOUSE MEMORIAL 58

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Nathan P. Cote

A MEMORIAL

REQUESTING THE NEW MEXICO DOMESTIC VIOLENCE LEADERSHIP
COMMISSION TO IDENTIFY INSTANCES OF CONSEQUENCES OF A
CONVICTION OF DOMESTIC VIOLENCE TO PROFESSIONAL LICENSURE OR
CERTIFICATION.

WHEREAS, according to the national coalition against
domestic violence, domestic violence is the willful
intimidation, physical assault, battery, sexual assault or
other abusive behavior perpetrated by a household member or an
intimate partner against another; and

WHEREAS, domestic violence is an epidemic affecting
individuals in every community, regardless of age, economic
status, race, religion, nationality, occupation or educational
background; and

WHEREAS, domestic violence can result in physical injury,

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1 psychological trauma or even death; and

2 WHEREAS, some professions carry a special responsibility
3 to the public due to their role in providing protection, legal
4 representation, education, health care or other personal
5 services; and

6 WHEREAS, perpetration of domestic violence by members of
7 these professions can have an especially devastating effect due
8 to the lack of trust that ensues in addition to the physical
9 and emotional trauma; and

10 WHEREAS, people in many professions that serve the public
11 may be shielded from legal recourse following the perpetration
12 of domestic violence due to the high esteem in which these
13 professionals are held by the general public; and

14 WHEREAS, it is reasonable to consider the imposition of
15 professional consequences, such as imposing restrictions on the
16 individual's professional licensure or certification, as a
17 result of the perpetration of domestic violence by members of
18 these public professions in order to remove them from positions
19 of public trust;

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
21 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
22 domestic violence leadership commission be requested to study
23 the consequences of a conviction of domestic violence to
24 professional licensure or certification; and

25 BE IT FURTHER RESOLVED that the New Mexico domestic

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1 violence commission identify the extent to which licensure or
2 certification restrictions may be currently imposed on the
3 professions of law enforcement, law, education, health care and
4 other professions as may be identified by the commission
5 following a domestic violence conviction; and

6 BE IT FURTHER RESOLVED that the commission identify
7 whether other states impose such restrictions on these
8 professions; and

9 BE IT FURTHER RESOLVED that the commission assess the
10 potential effectiveness of imposing such licensure or
11 certification restrictions and report their findings and
12 recommendations to the governor and to the appropriate interim
13 legislative committee by November 2010; and

14 BE IT FURTHER RESOLVED that copies of this memorial be
15 transmitted to the governor, the domestic violence czar and the
16 chair of the New Mexico domestic violence leadership
17 commission.