

1 SENATE BILL 294

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO CHILD ABUSE; CREATING THE CHILD ABUSE HOMICIDE
12 REVIEW TEAM OF THE CRIME VICTIMS REPARATION COMMISSION;
13 PROVIDING DUTIES OF THE CHILD ABUSE HOMICIDE REVIEW TEAM;
14 PROVIDING FOR AN INDEPENDENT INVESTIGATION; REQUIRING
15 REPORTING.

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

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

20 "[NEW MATERIAL] CHILD ABUSE HOMICIDE REVIEW TEAM--
21 CREATION--MEMBERSHIP--DUTIES--CONFIDENTIALITY--CIVIL
22 LIABILITY.--

23 A. The "child abuse homicide review team" is
24 created within the commission for the purpose of reviewing the
25 facts and circumstances of child-abuse-related homicides in New

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1 Mexico, identifying the causes of the fatalities and their
2 relationship to government and nongovernment service delivery
3 systems and developing methods of child abuse prevention. The
4 children, youth and families department shall provide staff to
5 facilitate meetings of the child abuse homicide review team.

6 B. The team shall consist of the following members
7 appointed by the director of the commission:

8 (1) medical personnel with expertise in child
9 abuse;

10 (2) criminologists;

11 (3) representatives from the New Mexico
12 district attorney's association;

13 (4) representatives from the office of the
14 attorney general;

15 (5) victim services providers;

16 (6) civil legal services providers;

17 (7) representatives from the public defender
18 department;

19 (8) members of the judiciary;

20 (9) law enforcement personnel;

21 (10) representatives from the department of
22 health, the human services department and the children, youth
23 and families department who deal with child abuse issues and
24 income support and benefits;

25 (11) representatives from tribal organizations

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1 who deal with child abuse; and

2 (12) any other members that the director of
3 the commission deems appropriate.

4 C. The child abuse homicide review team shall:

5 (1) review trends and patterns of child-abuse-
6 related homicides in New Mexico;

7 (2) evaluate the responses of government and
8 nongovernment service delivery systems and offer
9 recommendations for improvement of the responses;

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

12 (4) collect statistical data in a consistent
13 and uniform manner on the occurrence of child-abuse-related
14 homicides; and

15 (5) improve collaboration among tribal, state
16 and local agencies and organizations to develop initiatives to
17 prevent child abuse.

18 D. An organization, institution, agency or person
19 may share information and records that are otherwise protected
20 by law from disclosure if the information and records are
21 shared only for the purpose of a review of child-abuse-related
22 homicides by the child abuse homicide review team.

23 E. The following items are confidential:

24 (1) all records, reports or other information
25 obtained or created by the child abuse homicide review team for

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1 the purpose of reviewing child-abuse-related homicides pursuant
2 to this section; and

3 (2) all communications made by child abuse
4 homicide review team members or other persons during a review
5 conducted by the team of a child-abuse-related homicide.

6 F. The following persons shall honor the
7 confidentiality requirements of this section and shall not make
8 disclosure of any matter related to the team's review of a
9 child-abuse-related homicide, except pursuant to appropriate
10 court orders:

11 (1) child abuse homicide review team members;

12 (2) persons who provide records, reports or
13 other information to the team for the purpose of reviewing
14 child-abuse-related homicides; and

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

17 G. 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 child-abuse-related homicide
21 pursuant to this section.

22 H. Child abuse homicide review team members shall
23 not be subject to civil liability for any act related to the
24 review of a child-abuse-related homicide; provided that the
25 members act in good faith, without malice and in compliance

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1 with other state or federal law.

2 I. An organization, institution, agency or person
3 that provides testimony, records, reports or other information
4 to the child abuse homicide review team for the purpose of
5 reviewing child-abuse-related homicides shall not be subject to
6 civil liability for providing the testimony, records, reports
7 or other information to the team; provided that the
8 organization, institution, agency or person acts in good faith,
9 without malice and in compliance with other state or federal
10 law.

11 J. At least sixty days prior to the convening of
12 each regular session of the legislature, the child abuse
13 homicide review team shall transmit a report of its activities
14 pursuant to this section to:

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

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1 SECTION 2. A new section of the Abuse and Neglect Act is
2 enacted to read:

3 "[NEW MATERIAL] CHILD-ABUSE-RELATED HOMICIDE--INDEPENDENT
4 INVESTIGATION--REPORT.--

5 A. Whenever a child-abuse-related homicide occurs,
6 the attorney general may request that the secretary of
7 children, youth and families appoint an independent
8 investigator to investigate the homicide.

9 B. Within thirty days of receipt of a request by
10 the attorney general as provided in Subsection A of this
11 section, the secretary shall appoint an independent
12 investigator to determine whether, with respect to the child
13 victim, any person failed to make a notification required by
14 law regarding alleged abuse of the child and whether any
15 technical, administrative or procedural issues prevented a
16 required notification from being made, received or acted upon.

17 C. An independent investigator appointed in
18 accordance with this section shall submit a report on the
19 completed investigation to the secretary, the attorney general
20 and the child abuse homicide review team."