

1 SENATE BILL 414

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO THE CRIME VICTIMS REPARATION ACT; AMENDING THE
12 ELIGIBILITY FOR REPARATION TO INCLUDE MISSING AND MURDERED
13 INDIGENOUS PEOPLE.

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

16 SECTION 1. Section 31-22-7 NMSA 1978 (being Laws 1981,
17 Chapter 325, Section 7, as amended) is amended to read:

18 "31-22-7. ELIGIBILITY FOR REPARATION.--

19 A. If a person is injured or killed by an act or
20 omission of another person coming within the criminal
21 jurisdiction of the state after July 1, 1981, which act or
22 omission includes a crime enumerated in Section 31-22-8 NMSA
23 1978, or a missing or murdered indigenous person as provided in
24 this section, and upon application for reparation, the
25 commission may award reparation in accordance with the Crime

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underscoring material = new
[bracketed material] = delete

1 Victims Reparation Act:

2 (1) to the victim;

3 (2) in the case of an indigenous person in New
4 Mexico who is believed to be a missing person pursuant to the
5 Missing Persons Information and Reporting Act or has been
6 murdered and the case is being investigated by a law
7 enforcement agency, the office of the district attorney or the
8 office of the attorney general, to or for the benefit of any
9 one or more of the missing or deceased indigenous person's
10 dependents;

11 [~~2~~] (3) in the case of the victim's death,
12 to or for the benefit of any one or more of the deceased
13 victim's dependents; or

14 [~~3~~] (4) to any individual who voluntarily
15 assumes funeral or medical expenses of the victim.

16 B. For the purpose of the Crime Victims Reparation
17 Act, a person shall be deemed to have intentionally committed
18 an act or omission constituting a crime, notwithstanding that
19 by reason of age, insanity, drunkenness or otherwise the person
20 was legally incapable of forming a criminal intent.

21 C. In determining whether to make an order under
22 this section, the commission may consider any circumstances it
23 determines to be relevant. The commission shall consider the
24 behavior of the victim and whether, because of provocation or
25 otherwise, the victim bears responsibility for the act or

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1 omission constituting a crime that caused the victim's injury
2 or death and shall reduce the amount of reparation in
3 accordance with its assessment of the degree of responsibility
4 attributable to the victim.

5 D. An order may be made under this section whether
6 or not any person is prosecuted for or convicted of a crime
7 enumerated in Section 31-22-8 NMSA 1978; provided an arrest has
8 been made or the act or omission constituting a crime has been
9 reported to the police in a reasonable time or the act or
10 omission constituting a crime has been reported to a licensed
11 medical, mental health or counseling provider, or tribal health
12 provider. No order may be made under this section unless the
13 commission finds that:

14 (1) the act or omission constituting a crime
15 did occur;

16 (2) the injury or death of the victim resulted
17 from the act or omission constituting a crime; and

18 (3) the claimant or victim fully cooperated
19 with the appropriate law enforcement agencies or the commission
20 finds that the claimant or victim acted reasonably under the
21 circumstances.

22 E. An order may be made pursuant to this section
23 for a missing or murdered indigenous person; provided that the
24 person has been reported missing within a reasonable time to
25 the appropriate law enforcement agency. In the event that the

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