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SENATE MEMORIAL 37

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

INTRODUCED BY

Harold Pope

A MEMORIAL

REQUESTING THE NEW MEXICO COALITION OF SEXUAL ASSAULT PROGRAMS,  
INCORPORATED, TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS  
FOR POLICY AND LEGISLATIVE CHANGES TO IMPROVE LOCAL, COUNTY,  
STATE AND FEDERAL JAILS' AND DETENTION AND CORRECTIONAL  
FACILITIES' COMPLIANCE WITH THE FEDERAL PRISON RAPE ELIMINATION  
ACT OF 2003.

WHEREAS, 34 U.S.C. Ch. 303 - Prison Rape Elimination,  
known as the federal Prison Rape Elimination Act of 2003, is  
the first federal law implemented to deter sexual assault  
against people who are currently incarcerated; and

WHEREAS, the purpose of the federal Prison Rape  
Elimination Act of 2003 is to support the prevention, reduction  
and elimination of sexual assault and rape within all  
corrections systems; and

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1           WHEREAS, the federal Prison Rape Elimination Act of 2003  
2 mandates that correctional systems establish a zero-tolerance  
3 standard for sexual assaults of any kind; and

4           WHEREAS, in its 2021 federal Prison Rape Elimination Act  
5 of 2003 annual report, the New Mexico corrections department  
6 reported there were one hundred nine prison rape investigations  
7 within the corrections department; and

8           WHEREAS, there are no reliable data for the number and  
9 quality of prison rape investigations at the local and county  
10 levels in New Mexico; and

11           WHEREAS, the federal Prison Rape Elimination Act of 2003  
12 requires all juvenile and adult jails and detention and  
13 correctional facilities to meet federal Prison Rape Elimination  
14 Act of 2003 standards, including passing a compliance audit,  
15 and there remains a gap in tracking compliance of local and  
16 county detention facilities and jails in New Mexico; and

17           WHEREAS, the New Mexico coalition of sexual assault  
18 programs, incorporated, and its network of sexual assault  
19 service programs and sexual assault nurse examiner programs  
20 provide confidential support and services to incarcerated  
21 survivors of sexual violence and provide statewide coordination  
22 of services and training of corrections professionals related  
23 to the federal Prison Rape Elimination Act of 2003; and

24           WHEREAS, a task force would provide valuable assistance in  
25 making recommendations for policy and legislative changes to

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1 improve New Mexico's compliance with the federal Prison Rape  
2 Elimination Act of 2003;

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
4 OF NEW MEXICO that the New Mexico coalition of sexual assault  
5 programs, incorporated, be requested to convene a task force to  
6 make recommendations for policy and legislative changes to  
7 improve compliance of local, county, state and federal jails  
8 and detention and correctional facilities with the federal  
9 Prison Rape Elimination Act of 2003; and

10 BE IT FURTHER RESOLVED that the task force be requested to  
11 include representatives of:

- 12 A. the New Mexico coalition of sexual assault
- 13 programs, incorporated;
- 14 B. the corrections department;
- 15 C. the children, youth and families department's
- 16 juvenile justice division;
- 17 D. the New Mexico association of counties;
- 18 E. the American civil liberties union of New
- 19 Mexico;
- 20 F. a county jail in a rural area;
- 21 G. a county jail in an urban area; and
- 22 H. formerly incarcerated community representatives;
- 23 and

24 BE IT FURTHER RESOLVED that the task force report its  
25 recommendations for policy and legislative changes to improve

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1 compliance with the federal Prison Rape Elimination Act of 2003  
2 to the legislative health and human services committee, the  
3 interim committee dealing with courts, corrections and justice  
4 issues and the crime victims reparation commission by November  
5 1, 2023; and

6 BE IT FURTHER RESOLVED that copies of this memorial be  
7 transmitted to the executive director of the New Mexico  
8 coalition of sexual assault programs, incorporated; the chair  
9 of the legislative health and human services committee; the co-  
10 chairs of the interim committee dealing with courts,  
11 corrections and justice issues; the governor; the secretary of  
12 corrections; the director of the children, youth and families  
13 department's juvenile justice division; the executive director  
14 of the New Mexico association of counties; the executive  
15 director of the American civil liberties union of New Mexico; a  
16 county jail in a rural area; a county jail in an urban area;  
17 and formerly incarcerated community representatives.