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HOUSE BILL 33

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Nathan P. Cote

AN ACT

RELATING TO DOMESTIC VIOLENCE; CHANGING THE NAME OF THE
DOMESTIC VIOLENCE OFFENDER TREATMENT FUND TO THE DOMESTIC
VIOLENCE OFFENDER TREATMENT OR INTERVENTION FUND; ALLOWING
REFERRALS TO AND VOLUNTARY PARTICIPATION IN DOMESTIC VIOLENCE
OFFENDER PROGRAMS; AMENDING AND REPEALING SECTIONS OF THE NMSA
1978.

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

Section 1. Section 31-12-12 NMSA 1978 (being Laws 2003,
Chapter 387, Section 2) is amended to read:

"31-12-12. DOMESTIC VIOLENCE OFFENDER TREATMENT OR
INTERVENTION FUND CREATED--APPROPRIATION--PROGRAM
REQUIREMENTS.--

A. The "domestic violence offender treatment or
intervention fund" is created in the state treasury. All fees
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1 collected pursuant to the provisions of Section [~~1 of this~~]
2 31-12-11 NMSA 1978 shall be transmitted monthly to the
3 department of finance and administration for credit to the
4 domestic violence offender treatment or intervention fund.

5 B. Balances in the domestic violence offender
6 treatment or intervention fund are appropriated to the
7 children, youth and families department to provide funds to
8 domestic violence offender treatment or intervention programs
9 to defray the cost of providing treatment or intervention to
10 domestic violence offenders. Unexpended or unencumbered
11 balances remaining in the fund at the end of any fiscal year
12 shall not revert to the general fund.

13 C. Payment out of the domestic violence offender
14 treatment or intervention fund shall be made on vouchers issued
15 and signed by the secretary of children, youth and families
16 upon warrants drawn by the department of finance and
17 administration.

18 D. In order to be eligible for money from the
19 domestic violence offender treatment or intervention fund, a
20 domestic violence offender treatment or intervention program
21 shall include the following components in its program:

22 (1) an initial assessment to determine if a
23 domestic violence offender will benefit from participation in
24 the program;

25 (2) a written contract, which must be signed

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1 by the domestic violence offender, that sets forth:

2 (a) attendance and participation
3 requirements;

4 (b) consequences for failure to attend
5 or participate in the program; and

6 (c) a confidentiality clause that
7 prohibits disclosure of information revealed during treatment
8 or intervention sessions;

9 (3) strategies to hold domestic violence
10 offenders accountable for their violent behavior;

11 (4) a requirement that group discussions are
12 limited to members of the same gender;

13 (5) an education component that:

14 (a) defines physical, emotional, sexual,
15 economic and verbal abuse and techniques for stopping those
16 forms of abuse; and

17 (b) examines gender roles,
18 socialization, the nature of violence, the dynamics of power
19 and control and the effects of domestic violence on children;

20 (6) a requirement that a domestic violence
21 offender not be under the influence of alcohol or drugs during
22 a treatment or intervention session;

23 (7) a requirement that the program provide
24 monthly written reports to the presiding judge or the domestic
25 violence offender's probation or parole officer regarding:

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- 1 (a) proof of the domestic violence
- 2 offender's enrollment in the program;
- 3 (b) progress reports that address the
- 4 domestic violence offender's attendance, fee payments and
- 5 compliance with other program requirements; and
- 6 (c) evaluations of progress made by the
- 7 domestic violence offender and recommendations as to whether or
- 8 not to require the offender's further participation in the
- 9 program; and
- 10 (8) a requirement that the term of the program
- 11 be at least fifty-two weeks.

12 E. Counseling for couples shall not be a component

13 of a domestic violence offender treatment or intervention

14 program.

15 F. As used in this section, "domestic violence

16 offender" means a person:

17 (1) [~~a person~~] convicted for an offense

18 pursuant to the provisions of the Crimes Against Household

19 Members Act; [~~or~~]

20 (2) [~~a person~~] convicted for violating an

21 order of protection granted by a court pursuant to the

22 provisions of the Family Violence Protection Act;

23 (3) referred to a domestic violence offender

24 treatment or intervention program by a judge, a domestic

25 violence special commissioner or the parole board; or

1 (4) who voluntarily participates in a domestic
2 violence offender treatment or intervention program."

3 Section 2. TEMPORARY PROVISION--TRANSFER OF FUNDS.--All
4 money, fees, appropriations, gifts, grants and donations in the
5 domestic violence offender treatment fund are transferred to
6 the domestic violence offender treatment or intervention fund.

7 Section 3. REPEAL.--Sections 34-15-1 and 34-15-2 NMSA
8 1978 (being Laws 2003, Chapter 94, Sections 1 and 2) are
9 repealed.

10 Section 4. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2008.