

HOUSE BILL 337

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

INTRODUCED BY

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AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT CERTAIN VICTIMS OF SEXUAL OFFENSES ARE NOT REQUIRED TO SUBMIT TO A POLYGRAPH EXAMINATION OR OTHER TRUTH-TELLING DEVICE AS A CONDITION FOR INVESTIGATION, CHARGING OR PROSECUTION OF THE OFFENSE.

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

Section 1. A new section of Chapter 30, Article 9 NMSA 1978 is enacted to read:

"[NEW MATERIAL] VICTIMS--POLYGRAPH EXAMINATIONS--PROHIBITED ACTIONS.--A law enforcement officer, prosecuting attorney or other government official shall not ask or require an adult, youth or child victim of a sexual offense provided in Sections 30-9-11 through 30-9-13 NMSA 1978 to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation, charging or

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1 prosecution of the offense. The victim's refusal to submit to  
2 a polygraph examination or other truth-telling device shall not  
3 prevent the investigation, charging or prosecution of the  
4 offense."

5 Section 2. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2008.

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