

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 31-12-11 NMSA 1978 (being Laws 2003, Chapter 387, Section 1) is amended to read:

"31-12-11. COURT FEES--DEPOSIT IN THE DOMESTIC VIOLENCE OFFENDER TREATMENT OR INTERVENTION FUND.--

A. In addition to any other fees collected in the district court, metropolitan court and magistrate court, those courts shall assess and collect from a person convicted of a penalty assessment misdemeanor, traffic violation, petty misdemeanor, misdemeanor or felony offense a "domestic violence offender treatment fee" of five dollars (\$5.00).

B. Domestic violence offender treatment fees shall be deposited in the domestic violence offender treatment or intervention fund."

Section 2. 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 collected pursuant to the provisions of Section 31-12-11 NMSA 1978 shall be transmitted monthly to the department of finance and administration for credit to the domestic violence offender treatment or intervention fund.

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

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

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

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

(2) a written contract, which must be signed by the domestic violence offender, that sets forth:

(a) attendance and participation requirements;

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

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

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

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

(5) an education component that:

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

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

(6) a requirement that a domestic violence offender not be under the influence of alcohol or drugs during

a treatment or intervention session;

(7) a requirement, except with respect to a domestic violence offender who is a voluntary participant in the program, that the program provide monthly written reports to the presiding judge or the domestic violence offender's probation or parole officer regarding:

(a) proof of the domestic violence offender's enrollment in the program;

(b) progress reports that address the domestic violence offender's attendance, fee payments and compliance with other program requirements; and

(c) evaluations of progress made by the domestic violence offender and recommendations as to whether or not to require the offender's further participation in the program; and

(8) a requirement that the term of the program be at least fifty-two weeks.

E. Counseling for couples shall not be a component of a domestic violence offender treatment or intervention program.

F. As used in this section, "domestic violence offender" means a person:

(1) convicted for an offense pursuant to the provisions of the Crimes Against Household Members Act;

(2) convicted for violating an order of

protection granted by a court pursuant to the provisions of the Family Violence Protection Act;

(3) referred to a domestic violence offender treatment or intervention program by a judge, a domestic violence special commissioner or the parole board; or

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

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

Section 4. REPEAL.--Sections 34-15-1 and 34-15-2 NMSA 1978 (being Laws 2003, Chapter 94, Sections 1 and 2) are repealed.

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