

SENATE MEMORIAL 61

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

A MEMORIAL

REQUESTING THAT THE NEW MEXICO LEGISLATIVE COUNCIL APPOINT A TASK FORCE TO ADDRESS ISSUES RELATED TO THE SEXUAL ASSAULT OF INDIVIDUALS WITH DISABILITIES.

WHEREAS, according to 2010 United States census data, fifty-six million Americans, or nineteen percent of the population, reported having a disability; and

WHEREAS, according to the 2010 United States census, one-half of those Americans living with a disability had a "significant disability", meaning that those individuals

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required assistance with activities of daily living; and

WHEREAS, according to the 2004 *Chartbook on Mental Health and Disability in the United States*, approximately three and one-half percent of the adult civilian non-institutionalized population of the United States was estimated to have a mental health disability, meaning that these individuals had mental illnesses that limited their life activities; and

WHEREAS, according to the United States centers for disease control and prevention, in 2016, thirty-nine million six hundred thousand adults, or sixteen and three-tenths percent of the United States adult population, were living with some form of physical functioning limitation; and

WHEREAS, according to a 2010 United States census bureau report, approximately fifteen million two hundred thousand adults, or six and three-tenths percent of the United States adult population, experienced some kind of cognitive, mental or emotional functioning limitation; and

WHEREAS, one million two hundred thousand individuals, or one-half percent of the United States population, have an intellectual disability, and nine hundred forty-four thousand adults, or four-tenths percent of the United States population, are living with another type of developmental disability, including conditions such as cerebral palsy and autism spectrum disorder; and

WHEREAS, according to the department of health's *New*

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Mexico-Sexual Violence Free strategic plan for the years 2015 through 2020, individuals with disabilities are two and two-tenths more likely to experience sexual abuse than non-disabled individuals; and

WHEREAS, according to the *New Mexico-Sexual Violence Free* strategic plan, ninety-two percent of perpetrators of sexual assault are known, such as family members, caregivers or other people close to them, by their victims with disabilities; and

WHEREAS, according to United States department of justice statistics, individuals who have a disability are over three times more likely to be sexually assaulted, at a rate of two and one-tenth sexual assaults per one thousand individuals, than those who are not living with disabilities, at a rate of six-tenths sexual assaults per one thousand individuals; and

WHEREAS, a study of approximately fifty-five thousand children in Nebraska found that children with intellectual disabilities were four times as likely as children without disabilities to have been sexually abused, according to a report on sexual assault and developmental disabilities published by the Arc; and

WHEREAS, disabilities service organizations and agencies may foster dependency or relationships where passivity or compliance are demanded of consumers with disabilities; and

WHEREAS, existing statutory language is vague and inconsistent regarding mandatory reporting of suspected abuse;

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and

WHEREAS, proactive education on related topics for both consumers and staff at disabilities service organizations and agencies is frequently optional; and

WHEREAS, procedures for investigating abuse are largely administrative in nature, without therapeutic treatment or criminal consequences;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the New Mexico legislative council be requested to appoint a task force to address issues related to the sexual assault of individuals with disabilities and give voice to state residents who survive sexual assault and have been accorded neither relief from nor resolution to the traumas they have experienced; and

BE IT FURTHER RESOLVED that the sexual assault of individuals with disabilities task force be requested to investigate the incidence of sexual assault of individuals with disabilities and the means for preventing its occurrence and providing treatment to survivors of sexual assault; and

BE IT FURTHER RESOLVED that the New Mexico legislative council be requested to appoint to the sexual assault of individuals with disabilities task force survivors of sexual assault who are individuals with disabilities; members of the disabilities concerns subcommittee of the legislative health and human services committee; providers of sexual assault

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survivor services; representatives from law enforcement; providers of supports and services to individuals enrolled in the medicaid developmental disabilities waiver; the developmental disabilities supports division of the department of health; the New Mexico statewide independent living council; the vocational rehabilitation division of the public education department; disability rights New Mexico SPAC→; **the developmental disabilities planning council**;←SPAC the center for development and disability at the university of New Mexico; and the Arc of New Mexico; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the co-chairs of the New Mexico legislative council, the secretary of health, the 2018 chair of the disabilities concerns subcommittee of the legislative health and human services committee; the chair of the board of directors of the New Mexico statewide independent living council; the director of the vocational rehabilitation division of the public education department; the executive director of disability rights New Mexico; SPAC→**the executive director of the developmental disabilities planning council**←SPAC; the executive and clinical director of the center for development and disability at the university of New Mexico; and the chief executive officer of the Arc of New Mexico.