

SENATE MEMORIAL 22

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Linda A. Lopez

A MEMORIAL

REQUESTING THAT THE NEW MEXICO LEGISLATIVE COUNCIL APPOINT A
TASK FORCE TO STUDY REPORTING OF SEXUAL ASSAULT OF INDIVIDUALS
WITH DISABILITIES IN NEW MEXICO.

WHEREAS, according to the department of health's
publication *New Mexico - sexual violence free, a statewide
strategic plan for the primary prevention of sexual violence
2015 - 2020*, ninety-two percent of perpetrators of sexual
assault are known, by their victims with disabilities, in
capacities such as family members, caregivers or other people
close to them; and

WHEREAS, according to the United States department of
justice statistics, individuals with a disability are more than
three times more likely to be sexually assaulted, at a rate of
two and one-tenth sexual assaults per one thousand individuals,

1 than those who are not living with disabilities, at a rate of
2 six-tenths sexual assaults per one thousand individuals; and

3 WHEREAS, individuals with disabilities may be especially
4 vulnerable to exploitation because many of them rely on
5 disabilities service providers whose services may foster
6 dependence or demand compliance on the part of individuals with
7 disabilities, even in the most intimate contexts; and

8 WHEREAS, the New Mexico coalition of sexual assault
9 programs collects statistics related to sexual assaults on
10 individuals with disabilities that are reported through law
11 enforcement and courts; and

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

15 WHEREAS, investigations of sexual abuse are largely
16 administrative in nature without criminal consequence; and

17 WHEREAS, mandatory reporting under the Resident Abuse and
18 Neglect Act does not provide for separation of sexual abuse
19 reports from reports relating to other forms of abuse; and

20 WHEREAS, streamlining reporting can lead to quicker
21 investigation of reported incidents; and

22 WHEREAS, data collection of numbers can help identify
23 trends and needs in population, locations and types of sexual
24 assault;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

1 OF NEW MEXICO that the New Mexico legislative council be
2 requested to appoint a task force to study reporting and data
3 collection of sexual assault of individuals with disabilities
4 in New Mexico for the purpose of making recommendations
5 streamlining and reforming reporting and data collection; and

6 BE IT FURTHER RESOLVED that recommendations to streamline
7 and reform the reporting of sexual assault of individuals with
8 disabilities include "no wrong door" reporting, to ensure that
9 if an entity receives a report of sexual assault on an
10 individual with a disability and that entity does not have the
11 authority to investigate that report of sexual assault, that
12 the entity be charged with referring the report to the
13 appropriate agency for investigation, so that all reports of
14 sexual assaults of individuals with disabilities can be quickly
15 investigated and that data on assaults can be effectively
16 collected; and

17 BE IT FURTHER RESOLVED that the New Mexico legislative
18 council be requested to appoint to the task force
19 representatives of the following categories and entities:

20 A. survivors of sexual assault who are individuals
21 with disabilities;

22 B. members of the disabilities concerns
23 subcommittee of the legislative health and human services
24 committee;

25 C. providers of sexual assault survivor services;

1 D. representatives of the New Mexico coalition of
2 sexual assault programs;

3 E. representatives of law enforcement agencies;

4 F. representatives from the office of the attorney
5 general;

6 G. providers of support and services to individuals
7 enrolled in the medicaid developmental disabilities services
8 and supports waiver;

9 H. the developmental disabilities supports division
10 of the department of health;

11 I. the New Mexico statewide independent living
12 council;

13 J. the of vocational rehabilitation division of the
14 public education department;

15 K. disability rights New Mexico;

16 L. the center for development and disability at the
17 university of New Mexico;

18 M. the arc of New Mexico;

19 N. the incident management bureau of the division
20 of health improvement of the department of health;

21 O. the adult protective services division of the
22 aging and long-term services department;

23 P. the children, youth and families department; and

24 Q. the federal Prison Rape Elimination Act of 2003
25 coordinator for the corrections department; and

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1 BE IT FURTHER RESOLVED that the task force be requested to
2 present its recommendations, including a recommendation as to
3 whether the task force should continue its work, disband or
4 change its mission, in a formal report to the legislative
5 health and human services committee within one year of the task
6 force's organization; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the governor; the chair and vice chair of the
9 legislative health and human services committee; the chair and
10 vice chair of the disabilities concerns subcommittee of the
11 legislative health and human services committee; the attorney
12 general; the secretary of public safety; the secretary of aging
13 and long-term services; the secretary of children, youth and
14 families; the secretary of corrections; the secretary of
15 health; the interim director of the vocational rehabilitation
16 division of the public education department; the director of
17 the center for development and disability at the university of
18 New Mexico; the chair of the New Mexico statewide independent
19 living council; the executive director of disability rights New
20 Mexico; and the executive director of the arc of New Mexico.