

# GOVERNOR'S 2010 DOMESTIC VIOLENCE LEGISLATIVE INITIATIVES

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Drafts of the bills can be found at:  
<http://www.nmdvlc.org/2010legislativesession/2010legislative-session.htm>

## Narrow the Definition of Household Member in the Family Violence Protection Act and the Crimes Against Household Members Act

- ▣ In an effort to focus on those individuals most subject to power and control and subject to an escalating cycle of violence, this bill narrows the definition of “household member” to address intimate or dating partner violence, and elder abuse.
- ▣ The language in the definition is tailored to remove broader family relationships, which fall outside of the intimate, dating partner and elder abuse categories.
- ▣ Violence within broader family relationships, such as siblings, uncles/aunts and cousins, etc., are often incidents of situational violence that lack the power and control dynamics present in domestic violence cases.
- ▣ This change will prevent many incidents of situational violence from being improperly identified as domestic violence.
- ▣ By focusing the definition of household member, we will be maximizing limited state resources for those most vulnerable and in need of remedies designed to address domestic violence, rather than situational violence. For instance:
  - ▣ There is no benefit to labeling largely situational violence cases as domestic violence.
  - ▣ There are criminal codes to address this behavior without labeling it as domestic violence.
  - ▣ Those who believe they are in need of protection following an incident of situational violence may file for a civil restraining order.

# Uniform Domestic Violence Incident Report Form

- ▣ The Domestic Violence Czar and DPS, through a STOP Grant, organized a taskforce of seven law enforcement agencies throughout the state to create a lethality driven uniform domestic violence report form.
- ▣ The form was piloted throughout June and July.
- ▣ After the pilot was completed, the taskforce met and reviewed officer surveys and a sampling of the completed report forms, and made necessary changes to the form.
- ▣ Dr. Jacquelyn Campbell's validated danger assessment tool was utilized to create this uniform form.
  - This tool was developed to determine strategies to prevent intimate partner homicides.
  - Through Dr. Campbell's research it was determined that approximately half of victims (54% of actual homicides; 45% of attempted homicides) did not accurately perceive their risk – that the perpetrator was capable of killing them or would kill them.
- ▣ The uniform report form will need legislative authority to be implemented statewide, similar to the uniform crash report and uniform DWI report forms.
- ▣ The implementation of this lethality driven report form will improve law enforcement investigations, reduce dual arrests, decrease domestic violence homicides and increase victim safety.

# Amendment to Law Enforcement Act

- ▣ This proposed amendment would add “domestic violence” to a list of crimes in which an individual may be denied certification as a law enforcement officer, or may have their certification suspended or revoked.
- ▣ “Domestic Violence” is defined as any violation of the Crimes Against Household Members Act, Stalking, Aggravated Stalking or their equivalents in any other jurisdiction.
- ▣ This would make New Mexico Law consistent with federal law, which prohibits individuals who have been convicted of a domestic violence offense from owning or possessing firearms.
- ▣ It would also capture state domestic violence convictions which are not captured by the federal law.
- ▣ This is the same legislative initiative which the Governor pursued during the 2009 legislative session

# Statutory Authority for the New Mexico Domestic Violence Leadership Commission

- ▣ In August of 2007 the Governor signed an Executive Order Creating the Domestic Violence Leadership Commission.
- ▣ The Commission is multidisciplinary and assists in making recommendations to improve laws, policies, and our state's overall response to domestic violence.
- ▣ The multidisciplinary representation on the Commission ensures that all viewpoints are recognized and initiatives are well thought out and have broad based support.
- ▣ The broad based representation on the Commission is also intended maximize resources and prevent duplication of efforts.
- ▣ Since its inception the Commission has made recommendations that have resulted in one Executive Order on Workplace policies and three new domestic violence laws.
- ▣ In July 2009 the Governor signed an Executive Order continuing the Commission.
- ▣ This initiative would create statutory authority for the Commission and ensure its continuity.
- ▣ The Commission has been administratively supported by CYFD since its inception in 2007.