

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (www.nmlegis.gov). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/13

SPONSOR Jeff LAST UPDATED _____ HB 326

SHORT TITLE Domestic Violence Case Training SB _____

ANALYST Geisler

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
	\$300.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

Mortgage Finance Authority (MFA)

SUMMARY

Synopsis of Bill

House Bill 326 (HB 326) appropriates \$300,000 from the general fund to the Indian Affairs Department (IAD) for expenditure in fiscal year 2014 to contract with an organization with decades of Indian law and policy experience to develop and provide training to tribal court judges, magistrate judges and local law enforcement on the complexities of dealing with domestic violence cases occurring across jurisdictions and on related policies, laws and court development.

FISCAL IMPLICATIONS

The \$300,000 appropriation contained in HB 326 was not included in the executive budget recommendation. Any unexpended balance remaining at the end of FY14 shall revert.

IAD notes that the current language within HB 326 "...an organization with decades of Indian law and policy experience..." may limit which of the non-profit organizations in New Mexico would be able to compete for the funding.

SIGNIFICANT ISSUES

IAD notes that in the United States, Native American and Alaska Native women suffer domestic and sexual violence at significantly higher rates than other women. Reports show that 1 in 3 Native women will be raped during their lives and 2 in 5 women in Native communities will suffer some form of domestic violence. Currently, federal law limits tribal jurisdiction to crimes involving Indian perpetrators and Indian victims. It does not provide for tribal jurisdiction over non-Indians for crimes of domestic violence occurring on tribal lands; yet, the majority of perpetrators are non-Indian. Although the federal government has jurisdiction over non-Indian on Indian crimes, such crimes are seldom prosecuted due to overburdened case loads. Further complicating the problem is the issue of state jurisdiction. While states may prosecute these types of crimes, the lack of understanding and/or expertise regarding the jurisdictional complexities, along with the lack of communication with the tribes, hampers prosecution.

New Mexico is home to 22 tribes, nations, and pueblos and Native Americans account for approximately 10 percent of the state's population. Given the high rates of domestic violence committed by non-Indian perpetrators in tribal communities, the tribes and the state must find ways to bridge the jurisdictional gap. Within New Mexico there are currently three (3) Native American non-profit organizations working directly with domestic violence issues and Native American women and communities:

- Eight Northern Indian Pueblo Council, Inc. oversees the Peace Keepers project. Peace Keepers works to raise awareness of domestic violence and advocate for systems change to address policies and procedures of the court and criminal justice systems that impact safety and accountability. They provide training and technical assistance to service providers, tribal courts, law enforcement, tribal government, schools and community members.
- The Coalition to Stop Violence against Native Women was organized in 1996 to bring together Native advocates working in Indian communities in New Mexico to provide assistance and support to Native women. The Coalition provides a forum for support, organizing, sharing information resources and networking opportunities. Training opportunities are in the following areas: anti-oppression, violence against Native women, coordinated community response, effects of domestic violence on children, community outreach and education.
- The Tewa Women United was started in 1989 as a support group for women concerned with various issues. Their goal is to provide a safe space for women and to empower women through critical analysis and embracing and re-affirming cultural identity.

Another non-profit in New Mexico which is dedicated to creating native institutions, including tribal courts is the American Indian Law Center (AILC). The American Indian Law Center (AILC) located at the University of New Mexico School of Law was established in 1967 and is the oldest existing Indian-managed and Indian-operated legal and public policy organization in the country serving to strengthen, promote, and honor self-sustaining American Indian and Alaska Native communities through education, training, and leadership. AILC has developed a Domestic Violence Virtual Courtroom which is designed to introduce tribal court judges and tribal court staff to identifying resources for use when issuing protection orders against domestic violence. The training program presents video scenarios and pertinent documents for a civil hearing on a restraining order and a criminal hearing on a violation of the protection order. During the proceedings, each scene is viewed from the tribal judge's perspective.

PERFORMANCE IMPLICATIONS

The IAD has as one of its strategic goals leveraging the State-Tribal Collaboration Act to promote meaningful collaboration and coordination between state and tribal governments. This includes continuing state policy standardizing best practices; increasing mutual understanding and respect between state and tribal governments; facilitating consideration of Native American concerns and recommendations in state policymaking; improving interagency coordination to better address Native American needs and concerns and to continue Cultural Competency Training.

GG/svb