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SENATE BILL 27

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

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO CHILD ABUSE; CREATING THE CHILD ABUSE HOMICIDE  
REVIEW TEAM OF THE CRIME VICTIMS REPARATION COMMISSION;  
PROVIDING DUTIES OF THE CHILD ABUSE HOMICIDE REVIEW TEAM;  
REQUIRING REPORTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Crime Victims Reparation  
Act is enacted to read:

"[NEW MATERIAL] CHILD ABUSE HOMICIDE REVIEW TEAM--  
CREATION--MEMBERSHIP--DUTIES--CONFIDENTIALITY--CIVIL  
LIABILITY.--

A. The "child abuse homicide review team" is  
created within the commission for the purpose of reviewing the  
facts and circumstances of child-abuse-related homicides in New  
Mexico, identifying the causes of the fatalities and their

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1 relationship to government and nongovernment service delivery  
2 systems and developing methods of child abuse prevention. The  
3 children, youth and families department shall provide staff to  
4 facilitate meetings of the child abuse homicide review team.

5 B. The team shall consist of the following members  
6 appointed by the director of the commission:

7 (1) medical personnel with expertise in child  
8 abuse;

9 (2) criminologists;

10 (3) representatives from the New Mexico  
11 district attorney's association;

12 (4) representatives from the office of the  
13 attorney general;

14 (5) victim services providers;

15 (6) civil legal services providers;

16 (7) representatives from the public defender  
17 department;

18 (8) members of the judiciary;

19 (9) law enforcement personnel;

20 (10) representatives from the department of  
21 health, the human services department and the children, youth  
22 and families department who deal with child abuse issues and  
23 income support and benefits;

24 (11) representatives from tribal organizations  
25 who deal with child abuse; and

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1 (12) any other members that the director of  
2 the commission deems appropriate.

3 C. The child abuse homicide review team shall:

4 (1) review trends and patterns of child-abuse-  
5 related homicides in New Mexico;

6 (2) evaluate the responses of government and  
7 nongovernment service delivery systems and offer  
8 recommendations for improvement of the responses;

9 (3) identify and characterize high-risk groups  
10 for the purpose of recommending developments in public policy;

11 (4) collect statistical data in a consistent  
12 and uniform manner on the occurrence of child-abuse-related  
13 homicides; and

14 (5) improve collaboration among tribal, state  
15 and local agencies and organizations to develop initiatives to  
16 prevent child abuse.

17 D. An organization, institution, agency or person  
18 may share information and records that are otherwise protected  
19 by law from disclosure if the information and records are  
20 shared only for the purpose of a review of child-abuse-related  
21 homicides by the child abuse homicide review team.

22 E. The following items are confidential:

23 (1) all records, reports or other information  
24 obtained or created by the child abuse homicide review team for  
25 the purpose of reviewing child-abuse-related homicides pursuant

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1 to this section; and

2 (2) all communications made by child abuse  
3 homicide review team members or other persons during a review  
4 conducted by the team of a child-abuse-related homicide.

5 F. The following persons shall honor the  
6 confidentiality requirements of this section and shall not make  
7 disclosure of any matter related to the team's review of a  
8 child-abuse-related homicide, except pursuant to appropriate  
9 court orders:

10 (1) child abuse homicide review team members;

11 (2) persons who provide records, reports or  
12 other information to the team for the purpose of reviewing  
13 child-abuse-related homicides; and

14 (3) persons who participate in a review  
15 conducted by the team.

16 G. Nothing in this section shall prevent the  
17 discovery or admissibility of any evidence that is otherwise  
18 discoverable or admissible merely because the evidence was  
19 presented during the review of a child-abuse-related homicide  
20 pursuant to this section.

21 H. Child abuse homicide review team members shall  
22 not be subject to civil liability for any act related to the  
23 review of a child-abuse-related homicide; provided that the  
24 members act in good faith, without malice and in compliance  
25 with other state or federal law.

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1           I. An organization, institution, agency or person  
2 that provides testimony, records, reports or other information  
3 to the child abuse homicide review team for the purpose of  
4 reviewing child-abuse-related homicides shall not be subject to  
5 civil liability for providing the testimony, records, reports  
6 or other information to the team; provided that the  
7 organization, institution, agency or person acts in good faith,  
8 without malice and in compliance with other state or federal  
9 law.

10           J. At least sixty days prior to the convening of  
11 each regular session of the legislature, the child abuse  
12 homicide review team shall transmit a report of its activities  
13 pursuant to this section to:

- 14                   (1) the governor;
- 15                   (2) the New Mexico legislative council;
- 16                   (3) the chief justice of the supreme court;
- 17                   (4) the secretary of public safety;
- 18                   (5) the secretary of children, youth and  
19 families;
- 20                   (6) the secretary of health;
- 21                   (7) the secretary of human services;
- 22                   (8) the New Mexico attorney general; and
- 23                   (9) any other persons the team deems  
24 appropriate."