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AN ACT
RELATING TO DOMESTIC ABUSE; CREATING THE DOMESTIC VIOLENCE
HOMICIDE REVIEW TEAM; PROVIDING DUTIES; ESTABLISHING
CONFIDENTIALITY OF CERTAIN RECORDS AND COMMUNICATIONS;
PROVIDING IMMUNITY FROM CIVIL LIABILITY.

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:

"DOMESTIC VIOLENCE HOMICIDE REVIEW TEAM--CREATION--
MEMBERSHIP--DUTIES--CONFIDENTIALITY--CIVIL LIABILITY.--

A. The "domestic violence homicide review team" is
created within the commission for the purpose of reviewing
the facts and circumstances of domestic violence related
homicides and sexual assault related homicides in New Mexico,
identifying the causes of the fatalities and their
relationship to government and nongovernment service delivery
systems and developing methods of domestic violence
prevention.

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

- (1) medical personnel with expertise in
domestic violence;
- (2) criminologists;
- (3) representatives from the New Mexico

1 district attorneys association;

2 (4) representatives from the attorney
3 general;

4 (5) victim services providers;

5 (6) civil legal services providers;

6 (7) representatives from the public defender
7 department;

8 (8) members of the judiciary;

9 (9) law enforcement personnel;

10 (10) representatives from the department of
11 health, the aging and long-term services department and the
12 children, youth and families department who deal with
13 domestic violence victims' issues;

14 (11) representatives from tribal
15 organizations who deal with domestic violence; and

16 (12) any other members the director of the
17 commission deems appropriate.

18 C. The domestic violence homicide review team
19 shall:

20 (1) review trends and patterns of domestic
21 violence related homicides and sexual assault related
22 homicides in New Mexico;

23 (2) evaluate the responses of government and
24 nongovernment service delivery systems and offer
25 recommendations for improvement of the responses;

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

4 (4) collect statistical data in a consistent
5 and uniform manner on the occurrence of domestic violence
6 related homicides and sexual assault related homicides; and

7 (5) improve collaboration between tribal,
8 state and local agencies and organizations to develop
9 initiatives to prevent domestic violence.

10 D. The following items are confidential:

11 (1) all records, reports or other
12 information obtained or created by the domestic violence
13 homicide review team for the purpose of reviewing domestic
14 violence related homicides or sexual assault related
15 homicides pursuant to this section; and

16 (2) all communications made by domestic
17 violence homicide review team members or other persons during
18 a review conducted by the team of a domestic violence related
19 homicide or a sexual assault related homicide.

20 E. The following persons shall honor the
21 confidentiality requirements of this section and shall not
22 make disclosure of any matter related to the team's review of
23 a domestic violence related homicide or a sexual assault
24 related homicide, except pursuant to appropriate court
25 orders:

1 (1) domestic violence homicide review team
2 members;

3 (2) persons who provide records, reports or
4 other information to the team for the purpose of reviewing
5 domestic violence related homicides and sexual assault
6 related homicides; and

7 (3) persons who participate in a review
8 conducted by the team.

9 F. Nothing in this section shall prevent the
10 discovery or admissibility of any evidence that is otherwise
11 discoverable or admissible merely because the evidence was
12 presented during the review of a domestic violence related
13 homicide or a sexual assault related homicide pursuant to
14 this section.

15 G. Domestic violence homicide review team members
16 shall not be subject to civil liability for any act related
17 to the review of a domestic violence related homicide or a
18 sexual assault related homicide; provided that the members
19 act in good faith, without malice and in compliance with
20 other state or federal law.

21 H. An organization, institution, agency or person
22 who provides testimony, records, reports or other information
23 to the domestic violence homicide review team for the purpose
24 of reviewing domestic violence related homicides or sexual
25 assault related homicides shall not be subject to civil

1 liability for providing the testimony, records, reports or
2 other information to the team; provided that the
3 organization, institution, agency or person acts in good
4 faith, without malice and in compliance with other state or
5 federal law.

6 I. At least thirty days prior to the convening of
7 each regular session of the legislature, the domestic
8 violence homicide review team shall transmit a report of its
9 activities pursuant to this section to:

- 10 (1) the governor;
- 11 (2) the legislative council;
- 12 (3) the chief justice of the supreme court;
- 13 (4) the secretary of public safety;
- 14 (5) the secretary of children, youth and
15 families;
- 16 (6) the secretary of health; and
- 17 (7) any other persons the team deems
18 appropriate."

19 Section 2. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2007. _____