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HOUSE BILL 569

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Zachary J. Cook

AN ACT

RELATING TO ENFORCEMENT OF THE VICTIMS OF CRIME ACT; ALLOWING VICTIMS AND VICTIMS' REPRESENTATIVES THE POWER TO BRING AN ACTION TO ENFORCE THE VICTIMS OF CRIME ACT; IMPOSING DAMAGES, COSTS AND ATTORNEY FEES AGAINST PROSECUTORS WHO VIOLATE THE VICTIMS OF CRIME ACT.

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

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

"[NEW MATERIAL] ENFORCEMENT.--

A. An action to enforce the Victims of Crime Act may be brought by:

- (1) the victim; or
- (2) a victim's representative.

B. A district court may issue a writ of mandamus,

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 an order of injunction or other appropriate remedy to enforce
2 the provisions of the Victims of Crime Act.

3 C. The court shall award damages, costs and
4 reasonable attorney fees to any person whose rights under the
5 Victims of Crime Act have been denied or violated by a
6 prosecuting attorney in a crime covered by that act as well as
7 the prosecuting attorney's office, jointly and severally, in a
8 successful action in court under this section.

9 D. The provisions of this section apply to any
10 crime for which the rights and duties of the Victims of Crime
11 Act have already been established under Section 31-26-6 NMSA
12 1978 as of the effective date of this act."

13 SECTION 2. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2015.