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SENATE MEMORIAL 61

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Gerald Ortiz y Pino

A MEMORIAL

REQUESTING THAT THE NEW MEXICO LEGISLATIVE COUNCIL APPOINT A TASK FORCE TO ADDRESS ISSUES RELATED TO THE SEXUAL ASSAULT OF INDIVIDUALS WITH DISABILITIES.

WHEREAS, according to 2010 United States census data, fifty-six million Americans, or nineteen percent of the population, reported having a disability; and

WHEREAS, according to the 2010 United States census, one-half of those Americans living with a disability had a "significant disability", meaning that those individuals required assistance with activities of daily living; and

WHEREAS, according to the 2004 *Chartbook on Mental Health and Disability in the United States*, approximately three and one-half percent of the adult civilian non-institutionalized population of the United States was estimated to have a mental

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1 health disability, meaning that these individuals had mental
2 illnesses that limited their life activities; and

3 WHEREAS, according to the United States centers for
4 disease control and prevention, in 2016, thirty-nine million
5 six hundred thousand adults, or sixteen and three-tenths
6 percent of the United States adult population, were living with
7 some form of physical functioning limitation; and

8 WHEREAS, according to a 2010 United States census bureau
9 report, approximately fifteen million two hundred thousand
10 adults, or six and three-tenths percent of the United States
11 adult population, experienced some kind of cognitive, mental or
12 emotional functioning limitation; and

13 WHEREAS, one million two hundred thousand individuals, or
14 one-half percent of the United States population, have an
15 intellectual disability, and nine hundred forty-four thousand
16 adults, or four-tenths percent of the United States population,
17 are living with another type of developmental disability,
18 including conditions such as cerebral palsy and autism spectrum
19 disorder; and

20 WHEREAS, according to the department of health's *New*
21 *Mexico-Sexual Violence Free* strategic plan for the years 2015
22 through 2020, individuals with disabilities are two and two-
23 tenths more likely to experience sexual abuse than non-disabled
24 individuals; and

25 WHEREAS, according to the *New Mexico-Sexual Violence Free*

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1 strategic plan, ninety-two percent of perpetrators of sexual
2 assault are known, such as family members, caregivers or other
3 people close to them, by their victims with disabilities; and

4 WHEREAS, according to United States department of justice
5 statistics, individuals who have a disability are over three
6 times more likely to be sexually assaulted, at a rate of two
7 and one-tenth sexual assaults per one thousand individuals,
8 than those who are not living with disabilities, at a rate of
9 six-tenths sexual assaults per one thousand individuals; and

10 WHEREAS, a study of approximately fifty-five thousand
11 children in Nebraska found that children with intellectual
12 disabilities were four times as likely as children without
13 disabilities to have been sexually abused, according to a
14 report on sexual assault and developmental disabilities
15 published by the Arc; and

16 WHEREAS, disabilities service organizations and agencies
17 may foster dependency or relationships where passivity or
18 compliance are demanded of consumers with disabilities; and

19 WHEREAS, existing statutory language is vague and
20 inconsistent regarding mandatory reporting of suspected abuse;
21 and

22 WHEREAS, proactive education on related topics for both
23 consumers and staff at disabilities service organizations and
24 agencies is frequently optional; and

25 WHEREAS, procedures for investigating abuse are largely

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1 administrative in nature, without therapeutic treatment or
2 criminal consequences;

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
4 OF NEW MEXICO that the New Mexico legislative council be
5 requested to appoint a task force to address issues related to
6 the sexual assault of individuals with disabilities and give
7 voice to state residents who survive sexual assault and have
8 been accorded neither relief from nor resolution to the traumas
9 they have experienced; and

10 BE IT FURTHER RESOLVED that the sexual assault of
11 individuals with disabilities task force be requested to
12 investigate the incidence of sexual assault of individuals with
13 disabilities and the means for preventing its occurrence and
14 providing treatment to survivors of sexual assault; and

15 BE IT FURTHER RESOLVED that the New Mexico legislative
16 council be requested to appoint to the sexual assault of
17 individuals with disabilities task force survivors of sexual
18 assault who are individuals with disabilities; members of the
19 disabilities concerns subcommittee of the legislative health
20 and human services committee; providers of sexual assault
21 survivor services; representatives from law enforcement;
22 providers of supports and services to individuals enrolled in
23 the medicaid developmental disabilities waiver; the
24 developmental disabilities supports division of the department
25 of health; the New Mexico statewide independent living council;

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1 the vocational rehabilitation division of the public education
2 department; disability rights New Mexico; the center for
3 development and disability at the university of New Mexico; and
4 the Arc of New Mexico; and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the governor, the co-chairs of the New Mexico
7 legislative council, the secretary of health, the 2018 chair of
8 the disabilities concerns subcommittee of the legislative
9 health and human services committee; the chair of the board of
10 directors of the New Mexico statewide independent living
11 council; the director of the vocational rehabilitation division
12 of the public education department; the executive director of
13 disability rights New Mexico; the executive and clinical
14 director of the center for development and disability at the
15 university of New Mexico; and the chief executive officer of
16 the Arc of New Mexico.

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