

1 A MEMORIAL

2 REQUESTING THE NEW MEXICO COALITION OF SEXUAL ASSAULT
3 PROGRAMS, INCORPORATED, TO CONVENE A TASK FORCE TO MAKE
4 RECOMMENDATIONS FOR POLICY AND LEGISLATIVE CHANGES TO IMPROVE
5 LOCAL, COUNTY, STATE AND FEDERAL JAILS' AND DETENTION AND
6 CORRECTIONAL FACILITIES' COMPLIANCE WITH THE FEDERAL PRISON
7 RAPE ELIMINATION ACT OF 2003.

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9 WHEREAS, 34 U.S.C. Ch. 303 - Prison Rape Elimination,
10 known as the federal Prison Rape Elimination Act of 2003, is
11 the first federal law implemented to deter sexual assault
12 against people who are currently incarcerated; and

13 WHEREAS, the purpose of the federal Prison Rape
14 Elimination Act of 2003 is to support the prevention,
15 reduction and elimination of sexual assault and rape within
16 all corrections systems; and

17 WHEREAS, the federal Prison Rape Elimination Act of 2003
18 mandates that correctional systems establish a zero-tolerance
19 standard for sexual assaults of any kind; and

20 WHEREAS, in its 2021 federal Prison Rape Elimination Act
21 of 2003 annual report, the New Mexico corrections department
22 reported there were one hundred nine prison rape
23 investigations within the corrections department; and

24 WHEREAS, there are no reliable data for the number and
25 quality of prison rape investigations at the local and county

1 levels in New Mexico; and

2 WHEREAS, the federal Prison Rape Elimination Act of 2003
3 requires all juvenile and adult jails and detention and
4 correctional facilities to meet federal Prison Rape
5 Elimination Act of 2003 standards, including passing a
6 compliance audit, and there remains a gap in tracking
7 compliance of local and county detention facilities and jails
8 in New Mexico; and

9 WHEREAS, the New Mexico coalition of sexual assault
10 programs, incorporated, and its network of sexual assault
11 service programs and sexual assault nurse examiner programs
12 provide confidential support and services to incarcerated
13 survivors of sexual violence and provide statewide
14 coordination of services and training of corrections
15 professionals related to the federal Prison Rape Elimination
16 Act of 2003; and

17 WHEREAS, a task force would provide valuable assistance
18 in making recommendations for policy and legislative changes
19 to improve New Mexico's compliance with the federal Prison
20 Rape Elimination Act of 2003;

21 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
22 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New
23 Mexico coalition of sexual assault programs, incorporated, be
24 requested to convene a task force to make recommendations for
25 policy and legislative changes to improve compliance of

1 local, county, state and federal jails and detention and
2 correctional facilities with the federal Prison Rape
3 Elimination Act of 2003; and

4 BE IT FURTHER RESOLVED that the task force be requested
5 to include representatives of:

6 A. the New Mexico coalition of sexual assault
7 programs, incorporated;

8 B. the corrections department;

9 C. the children, youth and families department's
10 juvenile justice division;

11 D. the New Mexico association of counties;

12 E. the American civil liberties union of New
13 Mexico;

14 F. a county jail in a rural area;

15 G. a county jail in an urban area; and

16 H. formerly incarcerated community
17 representatives; and

18 BE IT FURTHER RESOLVED that the task force report its
19 recommendations for policy and legislative changes to improve
20 compliance with the federal Prison Rape Elimination Act of
21 2003 to the legislative health and human services committee,
22 the interim committee dealing with courts, corrections and
23 justice issues and the crime victims reparation commission by
24 November 1, 2023; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

1 transmitted to the executive director of the New Mexico
2 coalition of sexual assault programs, incorporated; the chair
3 of the legislative health and human services committee; the
4 co-chairs of the interim committee dealing with courts,
5 corrections and justice issues; the governor; the secretary of
6 corrections; the director of the children, youth and families
7 department's juvenile justice division; the executive director
8 of the New Mexico association of counties; the executive
9 director of the American civil liberties union of New Mexico;
10 a county jail in a rural area; a county jail in an urban area;
11 and formerly incarcerated community representatives. _____

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