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HOUSE MEMORIAL 40

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Gail Chasey and Micaela Lara Cadena

A MEMORIAL

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

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

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

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

4 WHEREAS, in its 2021 federal Prison Rape Elimination Act
5 of 2003 annual report, the New Mexico corrections department
6 reported there were one hundred nine prison rape investigations
7 within the corrections department; and

8 WHEREAS, there are no reliable data for the number and
9 quality of prison rape investigations at the local and county
10 levels in New Mexico; and

11 WHEREAS, the federal Prison Rape Elimination Act of 2003
12 requires all juvenile and adult jails and detention and
13 correctional facilities to meet federal Prison Rape Elimination
14 Act of 2003 standards, including passing a compliance audit,
15 and there remains a gap in tracking compliance of local and
16 county detention facilities and jails in New Mexico; and

17 WHEREAS, the New Mexico coalition of sexual assault
18 programs, incorporated, and its network of sexual assault
19 service programs and sexual assault nurse examiner programs
20 provide confidential support and services to incarcerated
21 survivors of sexual violence and provide statewide coordination
22 of services and training of corrections professionals related
23 to the federal Prison Rape Elimination Act of 2003; and

24 WHEREAS, a task force would provide valuable assistance in
25 making recommendations for policy and legislative changes to

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1 improve New Mexico's compliance with the federal Prison Rape
2 Elimination Act of 2003;

3 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
4 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
5 coalition of sexual assault programs, incorporated, be
6 requested to convene a task force to make recommendations for
7 policy and legislative changes to improve compliance of local,
8 county, state and federal jails and detention and correctional
9 facilities with the federal Prison Rape Elimination Act of
10 2003; and

11 BE IT FURTHER RESOLVED that the task force be requested to
12 include representatives of:

- 13 A. the New Mexico coalition of sexual assault
- 14 programs, incorporated;
- 15 B. the corrections department;
- 16 C. the children, youth and families department's
- 17 juvenile justice division;
- 18 D. the New Mexico association of counties;
- 19 E. the American civil liberties union of New
- 20 Mexico;
- 21 F. a county jail in a rural area;
- 22 G. a county jail in an urban area; and
- 23 H. formerly incarcerated community representatives;

24 and

25 BE IT FURTHER RESOLVED that the task force report its

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1 recommendations for policy and legislative changes to improve
2 compliance with the federal Prison Rape Elimination Act of 2003
3 to the legislative health and human services committee, the
4 interim committee dealing with courts, corrections and justice
5 issues and the crime victims reparation commission by November
6 1, 2023; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the executive director of the New Mexico
9 coalition of sexual assault programs, incorporated; the chair
10 of the legislative health and human services committee; the co-
11 chairs of the interim committee dealing with courts,
12 corrections and justice issues; the governor; the secretary of
13 corrections; the director of the children, youth and families
14 department's juvenile justice division; the executive director
15 of the New Mexico association of counties; the executive
16 director of the American civil liberties union of New Mexico; a
17 county jail in a rural area; a county jail in an urban area;
18 and formerly incarcerated community representatives.