

For Immediate Release
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Governor Richardson's Tougher Domestic Violence, Human Trafficking Laws Take Effect July 1

SANTA FE – Governor Bill Richardson today announced new laws to take effect on July 1, 2008, including a number of key domestic violence laws.

“Finally, after five long years, we have increased penalties for domestic violence,” said Governor Richardson. “I commend First Lady Barbara Richardson and Domestic Violence Czar Sharon Pino for their commitment and unwavering efforts to update antiquated laws which didn’t give victims the protection they deserve.”

SB 68 Increase Domestic Violence Penalties

This new law makes the 3rd conviction of battery against a household member or aggravated battery against a household member a 4th degree felony. A 4th degree felony calls for up to 18 months imprisonment and can include up to \$5,000 in fines.

The 4th or subsequent conviction of battery against a household member or aggravated battery against a household member will now be a 3rd degree felony. A 3rd degree felony calls for up to 3 years in prison and up to \$5,000 in fines.

HB 33 Domestic Violence Treatment Fund Uses

This law amends the Domestic Violence Treatment Fund to allow for payment of treatment of persons referred for treatment by a judge, domestic violence commissioner, parole board or those who voluntarily submit to treatment. The change is in effort to be more consistent with the type of services currently being provided for batterers statewide.

HB 227 Domestic Abuse Procedure Changes

Domestic Abuse Procedure Changes entitles victims of sexual assault and stalking the same protections afforded to victims of domestic violence and ensures that victim information is protected. It amends the Family Violence Protection Act to clarify that New Mexico does not charge victims of domestic violence, sexual assault or stalking for court costs related to prosecuting offenders. As of July 1, courts will not be permitted to arbitrarily issue mutual orders of protection, and law enforcement must investigate fully to properly identify the predominant aggressor.

HB 337 Sex Offense Victim Polygraph

This new law prevents law enforcement, prosecutors or other government officials from requiring victims of sexual assault to submit to a polygraph as a condition for proceeding with the investigation or prosecution of the crime.

SB 71 Create Offense of Human Trafficking

This law outlaws human trafficking, elevating penalties to a felony offense. It is now a third degree felony to traffic a person 16 or older, a second degree felony if the victim is between 13 to 15 years old and a first degree felony if the victim is under 12 years old.

Complete list of laws effective July 1, 2008:

| Bill # | Sponsor | Title |
|---------------|----------------|---|
| HB 0033 | Cote | Domestic Violence Treatment Fund |
| HB 0218 | Gonzales | Amend Small Counties Assistance Act |
| HB 0227 | King | Domestic Abuse Procedure Changes |
| HB 0236 | Stewart | Off Reservation Native American Health |
| HB 0263 | Rehm | Sheriff's Fees for Service of Process |
| HB 0337 | B. Lujan | Sex Offense Victim Polygram |
| HB 0348 | Cervantes | Uniform Emergency Volunteer Practitioners Act |
| HB 0616 | Varela | Educational Retirement Contributions |
| SB 0043 | Beffort | Winery Definitions and Taxation |
| SB 0068 | Adair | Increase Domestic Violence Penalties |
| SB 0071 | M.J. Garcia | Create Offense of Human Trafficking |
| SB 0145 | Nava | Educational Due Process Reimbursement Cap |
| SB 0226 | Feldman | Insurance Defense and Maximum Coverage |
| SB 0229 | Griego | Real Estate Broker Insurance Premiums |
| SB 0442 | Komadina | Polysomnography Practice Act |