



What is Sexual Assault?

- Sexual assault is intentional sexual contact done without consent.
- Sexual assault is an umbrella term that encompasses forceful acts like penetration and unwanted sexual contact.
- Sexual assault can include the use of force, threats of violence, extortion, retaliation directed at the victim or another.
- Consent cannot be given while unconscious, asleep, physically helpless, or mentally incapable.
- Sexual assault can happen to anyone at any race, gender, age, or sexual orientation.
- It does not matter what you were wearing or what you look like.

Resources

If you think you have been sexually assaulted know that it is NOT YOUR FAULT! There are organizations that can help.

Sexual Assault Nurse Examiner
(SANE)
505-883-8720
<https://abqsane.org>

Crime Victim Reparation Commission
505-24803186
<https://www.cvrc.state.nm.us>

New Mexico Legal Aid
505-248-3155
www.newmexicolegalaid.org

Rape Crisis Center of Central New Mexico
505-266-7711
<https://rapecrisiscnm.org>

Rape, Abuse, and Incest National Network
800-656-4673
www.rainn.org

New Mexico Coalition of Sexual Assault Programs
505-883-8020
<https://nmcsap.org>

New Mexico Coalition Against Domestic Violence
505-246-9240



SEXUAL ASSAULT

Know Your Rights in New Mexico



Call: (505) 244-0502
Email: info@swwomenslaw.org
Visit: www.swwomenslaw.org

There are civil and criminal laws regarding sexual violence against adults and minors in New Mexico. There are also laws that protect victim's privacy in the legal process. Please contact a lawyer to learn more about laws specific to your case.

Q. I want my case to be prosecuted—how long do I have to report?

A. There are time limits to reporting , or statutes of limitation, depending on the crime or claim. For criminal charges it can range up to six years depending on the crime and the availability of DNA evidence. For civil lawsuits, generally the period is within three years, unless there is a minor involved.

Q. What if there is no physical evidence of the assault because it happened a long time ago or due to some other circumstance?

A. You can still file a police report. While physical evidence can help strengthen your case, it is possible to pursue a claim with other types of evidence.

What Are My Legal Options?

If you have been sexually assaulted you can *choose* to file a police report.

Write down what happened and keep evidence of any assault. File a police report as soon as possible and get a medical/forensic examination. After filing, you should be provided with a police report number. If the district attorney formally charges the perpetrator you will be notified. You may ask for a victims rights advocate to support you in court.

Reporting a crime is optional. If you chose not to report, consider getting a medical/forensic exam so that you may receive medical care for injuries resulting from the incident. Getting an exam does not initiate prosecution and it is confidential.

There is a limited window of opportunity to preserve physical evidence. The Sexual Assault Nurse Examiner recommends adults get an exam within 5 days from the incident and minors under the age of 13 to get an exam done within 3 days of the incident. If you are getting an exam directly after the incident do not eat, drink, take a shower, or wash the clothes you were wearing during the assault. Bring the clothes you were wearing during the incident to the exam.

Survivors may sue the perpetrator directly in a civil lawsuit for financial compensation for medical expenses associated with the incident, lost wages for time taken off work to deal with the incident, for pain and suffering , and other expenses. Civil suits generally have a lower burden of proof than criminal cases.

Attorneys may ask for additional information that is sensitive, personal, or seemingly unrelated to gather information on your case. If your feel like divulging this information jeopardizes your safety or wellbeing in any way, talk to your attorney.

Survivors may seek a protection order against the perpetrator if they feel their safety is still in jeopardy. If the protection order is violated, the abusing party can be arrested. Protection orders are issued after a court hearing on your case. In the meantime, survivors may seek a temporary restraining order. **To learn more about filing for a protection order visit:** <https://www.womenslaw.org/laws/nm/restraining-orders/protection-orders-domestic-violence/steps-obtaining-protection-order>