

# NEWS



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## **FOR IMMEDIATE RELEASE**

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## **Court Strikes Down Kendra's Law**

**Albuquerque, NM**—Second District Court Judge Valerie Huling struck down a law that would have empowered the City of Albuquerque to forcibly medicate people with mental illness. The judge issued a permanent injunction against the "Assisted Outpatient Treatment" (AOT) ordinance, also known as Kendra's Law, because it conflicted with state laws that govern treatment for the mentally ill.

In her opinion, Judge Huling found that the ordinance "is inconsistent with the statutorily recognized right of a competent mentally ill person to refuse consent to treatment," including psychotropic medications, electroshock therapy, and other invasive procedures. She also ruled that the ordinance was in "direct conflict" with a state law that "broadly recognizes a right in competent individuals to make health care decisions."

Peter Simonson, executive director for the American Civil Liberties (ACLU) of New Mexico said, "This is a complete victory. The citizens of Albuquerque who suffer from mental illness no longer need to fear that the government might compel them to take medications, control where they live, and subject them to intrusive exams. The rights guaranteed to them under state law remain entirely intact."

The ACLU and Protection and Advocacy System, Inc had argued that the Albuquerque ordinance violated the right to be free from unreasonable searches and seizures because it enabled the government to detain someone for up to 72 hours if they refused to submit to a medical examination. The law also violated rights to due process by failing to ensure that funds are available for payment of medications mandated by the Court and for counsel for an individual subject.

Simonson said, "Unfortunately this ordinance was sold to the Albuquerque public as a protection against mentally ill people who have a history of violence. But in fact it could have been applied to most any mentally ill individual who is not complying with their prescribed treatment. Had it stood, the law would have created a dangerous and powerful tool to sweep mentally ill people out of sight."

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