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**HOUSE BILL 460**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**W. Ken Martinez**

**AN ACT**

**RELATING TO CRIMINAL LAW; INCREASING THE PENALTY FOR THE  
CRIMINAL OFFENSE OF BATTERY AGAINST A HOUSEHOLD MEMBER;  
AMENDING THE ELEMENTS OF THE CRIMINAL OFFENSE OF AGGRAVATED  
BATTERY AGAINST A HOUSEHOLD MEMBER; AMENDING SECTIONS OF THE  
NMSA 1978.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 30-3-15 NMSA 1978 (being Laws 1995,  
Chapter 221, Section 6) is amended to read:**

**"30-3-15. BATTERY AGAINST A HOUSEHOLD MEMBER. - -**

**A. Battery against a household member consists of  
the unlawful, intentional touching or application of force to  
the person of a household member, when done in a rude,  
insolent or angry manner.**

**B. Whoever commits battery against a household**

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 member is guilty of a [petty] misdemeanor. "

2 Section 2. Section 30-3-16 NMSA 1978 (being Laws 1995,  
3 Chapter 221, Section 7) is amended to read:

4 "30-3-16. AGGRAVATED BATTERY AGAINST A HOUSEHOLD  
5 MEMBER. --

6 A. Aggravated battery against a household member  
7 consists of the unlawful touching or application of force to  
8 the person of a household member with intent to injure that  
9 person or another.

10 ~~[B. Whoever commits aggravated battery against a~~  
11 ~~household member by inflicting an injury to that person that~~  
12 ~~is not likely to cause death or great bodily harm, but that~~  
13 ~~does cause painful temporary disfigurement or temporary loss~~  
14 ~~or impairment of the functions of any member or organ of the~~  
15 ~~body, is guilty of a misdemeanor.~~

16 ~~C.]~~ B. Whoever commits aggravated battery against  
17 a household member by inflicting great bodily harm or doing so  
18 with a deadly weapon or doing so in any manner whereby great  
19 bodily harm or death can be inflicted is guilty of a third  
20 degree felony. "

21 Section 3. EFFECTIVE DATE. -- The effective date of the  
22 provisions of this act is July 1, 2001.