

HOUSE SAFETY AND CIVIL AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 123

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

AN ACT

RELATING TO DOMESTIC VIOLENCE; AMENDING THE FAMILY VIOLENCE  
PROTECTION ACT TO PROVIDE FOR THE ISSUANCE OF AN EXTENDED ORDER  
OF PROTECTION AGAINST A PERSON CONVICTED OF CRIMINAL SEXUAL  
PENETRATION.

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

**SECTION 1.** A new section of the Family Violence  
Protection Act is enacted to read:

"[NEW MATERIAL] EXTENDED ORDER OF PROTECTION.--

A. In the sentencing proceeding for a person  
convicted of criminal sexual penetration pursuant to Section  
30-9-11 NMSA 1978, a prosecutor may request that the criminal  
court grant the victim an order of protection to remain in  
effect for the duration of the criminal court's jurisdiction  
over the person.

.200035.2

underscoring material = new  
[bracketed material] = delete

1           B. At any time after the expiration of a criminal  
2 court's jurisdiction over a person against whom an order of  
3 protection was granted pursuant to a request pursuant to  
4 Subsection A of this section, the victim may:

5                   (1) file a petition for an order of protection  
6 against the person; and

7                   (2) submit evidence of the person's conviction  
8 for criminal sexual penetration as cause for the court to grant  
9 the order of protection.

10           C. Based on evidence submitted pursuant to  
11 Subsection B of this section, a court may take judicial notice  
12 of the facts that led to a person's conviction for criminal  
13 sexual penetration and a victim shall not be required to appear  
14 before the court on the victim's petition for an order of  
15 protection; provided, however, that another person may appear  
16 on the victim's behalf.

17           D. A court may grant an order of protection  
18 pursuant to this section for any length of time, including for  
19 a victim's lifetime.

20           E. Notwithstanding the provisions of Subsection C  
21 of Section 40-13-6 NMSA 1978, an order of protection granted  
22 pursuant to this section shall continue until the expiration  
23 provided in the order, if any, or until modified or rescinded  
24 upon a motion by the victim."

25           **SECTION 2. EFFECTIVE DATE.**--The effective date of the

.200035.2

1 provisions of this act is July 1, 2015.

2 - 3 -

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscoring material = new  
~~[bracketed material] = delete~~