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HOUSE BILL 102

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIME; REVISING THE DEFINITION OF "CRIMINAL
OFFENSE" FOR THE PURPOSE OF THE VICTIMS OF CRIME ACT TO INCLUDE
CERTAIN CRIMES AGAINST A PEACE OFFICER.

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

SECTION 1. Section 31-26-3 NMSA 1978 (being Laws 1994,
Chapter 144, Section 3, as amended) is amended to read:

"31-26-3. DEFINITIONS.--As used in the Victims of Crime
Act:

A. "court" means magistrate court, metropolitan
court, children's court, district court, the court of appeals
or the supreme court;

B. "criminal offense" means:

(1) negligent arson resulting in death or
bodily injury, as provided in Paragraph (1) of Subsection [B] G

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underscoring material = new
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- 1 of Section 30-17-5 NMSA 1978;
- 2 (2) aggravated arson, as provided in Section
3 30-17-6 NMSA 1978;
- 4 (3) aggravated assault, as provided in Section
5 30-3-2 NMSA 1978;
- 6 (4) aggravated battery, as provided in Section
7 30-3-5 NMSA 1978;
- 8 (5) dangerous use of explosives, as provided
9 in Section 30-7-5 NMSA 1978;
- 10 (6) negligent use of a deadly weapon, as
11 provided in Section 30-7-4 NMSA 1978;
- 12 (7) murder, as provided in Section 30-2-1 NMSA
13 1978;
- 14 (8) voluntary manslaughter, as provided in
15 Subsection A of Section 30-2-3 NMSA 1978;
- 16 (9) involuntary manslaughter, as provided in
17 Subsection B of Section 30-2-3 NMSA 1978;
- 18 (10) kidnapping, as provided in Section 30-4-1
19 NMSA 1978;
- 20 (11) criminal sexual penetration, as provided
21 in Section 30-9-11 NMSA 1978;
- 22 (12) criminal sexual contact of a minor, as
23 provided in Section 30-9-13 NMSA 1978;
- 24 (13) armed robbery, as provided in Section
25 30-16-2 NMSA 1978;

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1 (14) homicide by vehicle, as provided in
2 Section 66-8-101 NMSA 1978;

3 (15) great bodily injury by vehicle, as
4 provided in Section 66-8-101 NMSA 1978;

5 (16) abandonment of a child or abuse of a
6 child, as provided in Section 30-6-1 NMSA 1978;

7 (17) stalking or aggravated stalking, as
8 provided in the Harassment and Stalking Act;

9 (18) aggravated assault against a household
10 member, as provided in Section 30-3-13 NMSA 1978;

11 (19) assault against a household member with
12 intent to commit a violent felony, as provided in Section
13 30-3-14 NMSA 1978;

14 (20) battery against a household member, as
15 provided in Section 30-3-15 NMSA 1978; [~~or~~]

16 (21) aggravated battery against a household
17 member, as provided in Section 30-3-16 NMSA 1978;

18 (22) aggravated assault upon a peace officer,
19 as provided in Section 30-22-22 NMSA 1978;

20 (23) assault with intent to commit a violent
21 felony upon a peace officer, as provided in Section 30-22-23
22 NMSA 1978;

23 (24) battery upon a peace officer, as provided
24 in Section 30-22-24 NMSA 1978; or

25 (25) aggravated battery upon a peace officer,

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1 as provided in Section 30-22-25 NMSA 1978;

2 C. "court proceeding" means a hearing, argument or
3 other action scheduled by and held before a court;

4 D. "family member" means a spouse, child, sibling,
5 parent or grandparent;

6 E. "formally charged" means the filing of an
7 indictment, the filing of a criminal information pursuant to a
8 bind-over order, the filing of a petition or the setting of a
9 preliminary hearing;

10 F. "victim" means an individual against whom a
11 criminal offense is committed. "Victim" also means a family
12 member or a victim's representative when the individual against
13 whom a criminal offense was committed is a minor, is
14 incompetent or is a homicide victim; and

15 G. "victim's representative" means an individual
16 designated by a victim or appointed by the court to act in the
17 best interests of the victim."