

1 HOUSE BILL 307

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Stefani Lord and Randall Pettigrew

5
6
7
8
9
10 AN ACT

11 RELATING TO TORT CLAIMS; NARROWING EXCEPTIONS TO IMMUNITY FOR
12 LAW ENFORCEMENT OFFICERS.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 41-4-12 NMSA 1978 (being Laws 1976,
16 Chapter 58, Section 12, as amended) is amended to read:

17 "41-4-12. LIABILITY--LAW ENFORCEMENT OFFICERS.--The
18 immunity granted pursuant to Subsection A of Section 41-4-4
19 NMSA 1978 does not apply to liability for personal injury,
20 bodily injury, wrongful death or property damage resulting from
21 assault, battery, false imprisonment, false arrest, malicious
22 prosecution, abuse of process, libel, slander, defamation of
23 character, violation of property rights [~~the independent tort~~
24 ~~of negligent spoliation of evidence or the independent tort of~~
25 ~~intentional spoliation of evidence, failure to comply with~~

.218551.1

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

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

1 ~~duties established pursuant to statute or law] or [any other]~~
2 deprivation of any rights, privileges or immunities secured by
3 the constitution and laws of the United States or New Mexico
4 when caused by law enforcement officers while acting within the
5 scope of their duties. For purposes of this section, "law
6 enforcement officer" means a public officer or employee vested
7 by law with the power to maintain order, to make arrests for
8 crime or to detain persons suspected of or convicted of
9 committing a crime, whether that duty extends to all crimes or
10 is limited to specific crimes."

11 - 2 -
12
13
14
15
16
17
18
19
20
21
22
23
24
25