

CHAPTER 35

CHAPTER 35, LAWS 2002

AN ACT

RELATING TO DOMESTIC ABUSE; PROVIDING FOR FORBEARANCE OF COSTS FOR FILING OF CRIMINAL CHARGES FOR VICTIMS OF DOMESTIC ABUSE; CLARIFYING POLICY REGARDING DUAL ARRESTS IN DOMESTIC ABUSE INCIDENTS; PROVIDING FOR TRAINING FOR POLICE OFFICERS; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Criminal Code is enacted to read:

"ALLEGED VICTIMS OF DOMESTIC ABUSE, STALKING OR SEXUAL ASSAULT--FORBEARANCE OF COSTS.--

A. An alleged victim of an offense specified in Subsection B of this section is not required to bear the cost of:

- (1) filing a criminal charge against an alleged perpetrator of the offense;
- (2) the issuance or service of a warrant;
- (3) the issuance or service of a witness subpoena; or
- (4) the issuance or service of a protection order.

B. The provisions of Subsection A of this section apply to alleged victims of domestic abuse as defined in Section 40-13-2 NMSA 1978 and:

- (1) sexual offenses described in Sections 30-9-11 through 30-9-14 and 30-9-14.3 NMSA 1978;
- (2) crimes against household members described in Sections 30-3-12 through 30-3-16 NMSA 1978;
- (3) harassment, stalking and aggravated stalking described in Sections 30-3A-2 through 30-3A-3.1 NMSA 1978; and
- (4) the violation of an order of protection described in Subsection E of Section 40-13-6 NMSA 1978."

Section 2. A new section of the Family Violence Protection Act is enacted to read:

"LEGISLATIVE FINDINGS--STATE POLICY--DUAL ARRESTS.--The legislature finds that domestic abuse incidents are complex and require special training on the part of law enforcement officers to respond appropriately to domestic abuse incidents. The state of New Mexico discourages dual arrests of persons involved in incidents of domestic abuse. A law enforcement officer, in making arrests for domestic abuse, shall seek to identify and shall consider whether one of the parties acted in self defense."

Section 3. A new section of the Law Enforcement Training Act is enacted to read:

"DOMESTIC ABUSE INCIDENT TRAINING.--Domestic abuse incident training shall be included in the curriculum of each basic law enforcement training class. Domestic abuse incident training shall be included as a component of in-service training each year for certified police officers."

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE  
FOR HOUSE BILL 242, AS AMENDED  
WITH EMERGENCY CLAUSE  
SIGNED MARCH 4, 2002