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**SENATE BILL 294**

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

**INTRODUCED BY**

**Michael S. Sanchez**

**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:**

**" [NEW MATERIAL] 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**

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1 alleged perpetrator of the offense;

2 (2) the issuance or service of a warrant;

3 (3) the issuance or service of a witness  
4 subpoena; or

5 (4) the issuance or service of a protection  
6 order.

7 B. The provisions of Subsection A of this section  
8 apply to alleged victims of:

9 (1) sexual offenses described in Sections  
10 30-9-11 through 30-9-14 and 30-9-14.3 NMSA 1978;

11 (2) crimes against household members  
12 described in Sections 30-3-12 through 30-3-16 NMSA 1978;

13 (3) harassment, stalking and aggravated  
14 stalking described in Sections 30-3A-2 through 30-3A-3.1 NMSA  
15 1978; and

16 (4) the violation of an order of protection  
17 described in Subsection E of Section 40-13-6 NMSA 1978."

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

20 "[NEW MATERIAL] LEGISLATIVE FINDINGS--STATE POLICY--DUAL  
21 ARRESTS.--The legislature finds that domestic abuse incidents  
22 are complex and require special training on the part of law  
23 enforcement officers to respond appropriately to domestic  
24 abuse incidents. The state of New Mexico discourages dual  
25 arrests of persons involved in incidents of domestic abuse. A

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1 law enforcement officer, in making arrests for domestic abuse,  
2 shall seek to identify and shall consider whether one of the  
3 parties acted in self defense. "

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

6 "[NEW MATERIAL] DOMESTIC ABUSE INCIDENT TRAINING. --  
7 Domestic abuse incident training shall be included in the  
8 curriculum of each basic law enforcement training class.  
9 Domestic abuse incident training shall be included as a  
10 component of in-service training each year for certified  
11 police officers. "

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