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HOUSE BILL 607

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO DOMESTIC ABUSE; PROVIDING FOR AN ARREST WITHOUT A
WARRANT OF A PERSON WITHIN TWENTY-FOUR HOURS AFTER AN OFFICER
RESPONDS TO A DOMESTIC DISTURBANCE.

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

Section 1. Section 31-1-7 NMSA 1978 (being Laws 1979,
Chapter 178, Section 1, as amended) is amended to read:

"31-1-7. ARREST WITHOUT WARRANT--LIABILITY.--

A. Notwithstanding the provisions of any other law
to the contrary, a peace officer may arrest a person and take
that person into custody without a warrant:

(1) when the officer ~~[is at the scene of]~~
responds to a domestic disturbance and has probable cause to
believe that the person has committed an assault or a battery
upon a household member and exigent circumstances support

underscored material = new
[bracketed material] = delete

1 making an arrest; and

2 (2) within twenty-four hours after the
3 officer first arrives at the scene of a domestic disturbance
4 and the officer has probable cause to believe that the person
5 has committed an assault or a battery upon a household member,
6 even if the person is no longer present at the scene.

7 B. As used in this section, "household member"
8 means a spouse; former spouse; family member, including a
9 relative, parent, present or former step-parent, present or
10 former in-law, child or co-parent of a child; or a person with
11 whom the victim has had a continuing personal relationship.
12 Cohabitation is not necessary to be deemed a household member
13 for purposes of this section.

14 [~~B.~~] C. No peace officer shall be held criminally
15 or civilly liable for making an arrest pursuant to this
16 section, provided [~~he~~] the officer acts in good faith and
17 without malice.

18 [~~C.~~] D. Whether or not an arrest is made pursuant
19 to this section, a peace officer may remain with the victim and
20 assist the victim in getting to a shelter or receiving proper
21 medical attention."

22 Section 2. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2007.