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AN ACT

RELATING TO CRIMINAL LAW; REVISING THE CRIME OF STALKING;  
ADDING DEFINITIONS; AMENDING SECTIONS OF THE CRIMINAL CODE.

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

Section 1. Section 30-3A-1 NMSA 1978 (being Laws 1997,  
Chapter 10, Section 1) is amended to read:

"30-3A-1. SHORT TITLE.--Chapter 30, Article 3A NMSA  
1978 may be cited as the "Harassment and Stalking Act"."

Section 2. Section 30-3A-3 NMSA 1978 (being Laws 1997,  
Chapter 10, Section 3) is amended to read:

"30-3A-3. STALKING--PENALTIES.--

A. Stalking consists of knowingly pursuing a  
pattern of conduct, without lawful authority, directed at a  
specific individual when the person intends that the pattern  
of conduct would place the individual in reasonable  
apprehension of death, bodily harm, sexual assault,  
confinement or restraint of the individual or another  
individual.

B. As used in this section:

(1) "lawful authority" means within the  
scope of lawful employment or constitutionally protected  
activity; and

(2) "pattern of conduct" means two or more  
acts, on more than one occasion, in which the alleged stalker

1 by any action, method, device or means, directly, indirectly  
2 or through third parties, follows, monitors, surveils,  
3 threatens or communicates to or about a person.

4 C. Whoever commits stalking is guilty of a  
5 misdemeanor. Upon a second or subsequent conviction, the  
6 offender is guilty of a fourth degree felony.

7 D. In addition to any punishment provided pursuant  
8 to the provisions of this section, the court shall order a  
9 person convicted of stalking to participate in and complete a  
10 program of professional counseling at the person's own  
11 expense or a domestic violence offender treatment or  
12 intervention program."

13 Section 3. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2009. \_\_\_\_\_

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