

1 HOUSE BILL 363

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Gail Chasey

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10 AN ACT

11 RELATING TO IMMUNITY FROM TORT CLAIMS; WAIVING IMMUNITY FOR LAW
12 ENFORCEMENT OFFICERS NOT USING BODY CAMERAS.

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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.--

18 A. The immunity granted pursuant to Subsection A of
19 Section [~~5-14-4 NMSA 1953~~] 41-4-4 NMSA 1978 does not apply to
20 liability for personal injury, bodily injury, wrongful death or
21 property damage resulting from assault, battery, false
22 imprisonment, false arrest, malicious prosecution, abuse of
23 process, libel, slander, defamation of character, violation of
24 property rights or deprivation of any rights, privileges or
25 immunities secured by the constitution and laws of the United

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1 States or New Mexico when caused by law enforcement officers
2 while acting within the scope of their duties.

3 B. The immunity granted pursuant to Subsection A of
4 Section 41-4-4 NMSA 1978 does not apply to liability for
5 personal injury, bodily injury, wrongful death or property
6 damage caused by law enforcement officers who failed to use a
7 body camera in compliance with policies of the officers' agency
8 regarding the use of body cameras.

9 C. For the purposes of this section, "body camera"
10 means video equipment attached to the body that permits the
11 visual and audio recording of events that can be preserved in
12 an electronic, digital format."