

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO CRIME VICTIM REPARATIONS; AMENDING AND EXPANDING
THE ENUMERATED CRIMES IN THE CRIME VICTIMS REPARATION ACT;
ALLOWING THE CRIME VICTIMS REPARATION COMMISSION TO EXTEND
THE TIME FOR FILING A CLAIM UPON GOOD CAUSE SHOWN; CREATING A
CRIME VICTIMS REPARATION FEE FOR THOSE CONVICTED OF A
MISDEMEANOR OR FELONY OFFENSE; MAKING AN APPROPRIATION.

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

SECTION 1. Section 31-22-8 NMSA 1978 (being Laws 1981,
Chapter 325, Section 8, as amended) is amended to read:

"31-22-8. CRIMES ENUMERATED.--

A. The crimes to which the Crime Victims
Reparation Act applies and for which reparation to victims
may be made are the following enumerated offenses and all
other offenses in which any enumerated offense is necessarily
included:

- (1) arson resulting in bodily injury;
- (2) aggravated assault or aggravated
battery;
- (3) dangerous use of explosives resulting in
bodily injury;
- (4) negligent use of a deadly weapon;
- (5) murder;
- (6) voluntary manslaughter;

- 1 (7) involuntary manslaughter;
2 (8) kidnapping;
3 (9) criminal sexual penetration;
4 (10) criminal sexual contact of a minor;
5 (11) homicide by vehicle or great bodily
6 injury by vehicle, as provided in Section 66-8-101 NMSA 1978;
7 (12) abandonment or abuse of a child;
8 (13) aggravated indecent exposure, as
9 provided in Section 30-9-14.3 NMSA 1978;
10 (14) stalking;
11 (15) human trafficking;
12 (16) assault against a household member; and
13 (17) battery against a household member.

14 B. No award shall be made for any loss or damage
15 to property."

16 SECTION 2. Section 31-22-14 NMSA 1978 (being Laws 1981,
17 Chapter 325, Section 14, as amended) is amended to read:

18 "31-22-14. LIMITATIONS ON AWARD--COLLATERAL RECOVERY--
19 PRELIMINARY AWARD.--

20 A. No order for the payment of reparation shall be
21 made unless application has been made within two years after
22 the date of the injury or death and the injury or death was
23 the result of a crime enumerated in Section 31-22-8 NMSA 1978
24 that had been reported to the police within thirty days after
25 its occurrence unless a longer period is allowed pursuant to

1 Subsection F of this section. An application for reparation
2 shall be made within two years after the injury or death,
3 except for minors who are victims of criminal activity under
4 the provisions of Section 30-6-1 NMSA 1978, regarding
5 abandonment or abuse of a child, Section 30-9-11 NMSA 1978,
6 regarding criminal sexual penetration, or Section 30-9-13
7 NMSA 1978, regarding criminal sexual contact of a minor. The
8 date of incident for minors who are victims of these types of
9 criminal activity shall be the date the victim attains the
10 age of eighteen years or the date that the criminal activity
11 is reported to a law enforcement agency, whichever occurs
12 first. The commission may extend the time for filing an
13 application for good cause shown by a claimant or a victim.

14 B. No award of reparation shall be in excess of
15 twenty thousand dollars (\$20,000) per victim except that the
16 commission may award up to an additional thirty thousand
17 dollars (\$30,000) for extraordinary pecuniary losses, if the
18 personal injury to a victim is catastrophic and results in a
19 permanent total disability. The extraordinary losses
20 compensated may include:

- 21 (1) loss of wages;
- 22 (2) the cost of home health care;
- 23 (3) the cost of making a home or automobile
24 accessible;
- 25 (4) the cost of training in the use of

1 special application; or

2 (5) job training.

3 C. Except as provided by Subsection E of this
4 section, the commission shall deduct from any reparation
5 awarded any payments received from a collateral source or
6 from the United States or the state or any of its political
7 subdivisions for injury or death subject to reparation under
8 the Crime Victims Reparation Act. If the claimant receives
9 an award of reparation from the commission and also receives
10 payment as set forth in the preceding sentence for which no
11 deduction was made, the claimant shall refund to the state
12 the lesser of the amount of reparation paid or the sums not
13 so deducted.

14 D. If the claimant receives an award of reparation
15 from the commission and also receives an award pursuant to a
16 civil judgment arising from a criminal occurrence for which a
17 reparation award was paid, the claimant shall refund to the
18 state the amount of the reparation paid to the claimant. The
19 commission may negotiate a reasonable settlement regarding
20 repayment of the reparation award if special circumstances
21 exist.

22 E. If it appears that a final award of reparation
23 will be made by the commission, a preliminary award may be
24 authorized by the director of the commission or the
25 commission's designee when the commission chair concurs. The

1 amount of the preliminary award shall be deducted from any
2 final award made by the commission.

3 F. The commission may grant a waiver to the
4 requirement in Subsection A of this section that a crime be
5 reported to the police within thirty days of its occurrence
6 for:

7 (1) a victim of domestic violence or sexual
8 assault if reported to the police within one hundred eighty
9 days of the occurrence; or

10 (2) a crime against a child that was
11 reported within thirty days of its occurrence to the
12 children, youth and families department, a domestic violence
13 or sexual assault service provider, a teacher or a health
14 care provider; provided that a police report shall be filed
15 before the commission approves payment."

16 SECTION 3. A new section of Chapter 31, Article 12 NMSA
17 1978 is enacted to read:

18 "CRIME VICTIMS REPARATION FEE.--

19 A. In addition to any other fees or penalties
20 collected in a district court, metropolitan court and
21 magistrate court, those courts shall assess and collect from
22 a person convicted of a misdemeanor or felony offense a
23 mandatory crime victims reparation fee. The fee shall be
24 levied at the time of sentencing in addition to any sentence
25 required or permitted by law, in accordance with the

1 following schedule:

2 (1) a person convicted of a felony shall pay
3 a crime victims reparation fee of seventy-five dollars
4 (\$75.00); and

5 (2) a person convicted of a misdemeanor
6 shall pay a crime victims reparation fee of fifty dollars
7 (\$50.00).

8 B. Crime victim reparation fees shall be deposited
9 in the crime victims reparation fund."

10 SECTION 4. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2015. _____

12
13
14
15
16
17
18
19
20
21
22
23
24
25