

HOUSE BILL 86

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

AN ACT

RELATING TO DOMESTIC VIOLENCE; ALLOWING WARRANTLESS ARREST AT LOCATIONS OTHER THAN AT THE SCENE OF A DOMESTIC DISTURBANCE IF CERTAIN CONDITIONS ARE MET.

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 when:

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

.202728.1 Amendments in Context

underscored material = new  
[bracketed material] = delete  
language deleted = deleted by amendment  
New amended language = new by amendment

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~~[As used in this section: "household member" means a spouse; former spouse; family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child; or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section];~~

(2) the arrest is reasonably necessary to protect a household member from future domestic abuse; and

(3) the arrest occurs at the scene of a domestic disturbance or at another location if the arrest is made with reasonable promptness after the domestic disturbance.

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

C. Whether or not an arrest is made pursuant to this section, a peace officer may remain with the victim and assist the victim in getting to a shelter or receiving proper medical attention.

D. As used in this section:

(1) "domestic abuse" has the same meaning as used in the Family Violence Protection Act;

(2) "household member" means a spouse, former

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spouse, ~~family member, including a relative,~~ parent, present or former stepparent, present or former ~~in-law,~~ parent-in-law, grandparent, grandparent-in-law, child, stepchild, grandchild or co-parent of a child, or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section; and

(3) "reasonable promptness" means occurring within ~~twenty-four~~ten hours after a peace officer is summoned to the scene of the domestic disturbance in question."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2016.

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