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HOUSE BILL 27

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

INTRODUCED BY

David M. Gallegos

AN ACT

RELATING TO DOMESTIC VIOLENCE; AMENDING THE FAMILY VIOLENCE PROTECTION ACT TO PROVIDE FOR THE ISSUANCE OF AN EXTENDED ORDER OF PROTECTION AGAINST A PERSON CONVICTED OF CRIMINAL SEXUAL PENETRATION.

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

SECTION 1. A new section of the Family Violence Protection Act is enacted to read:

"[NEW MATERIAL] EXTENDED ORDER OF PROTECTION.--

A. In the sentencing proceeding for a person convicted of criminal sexual penetration pursuant to Section 30-9-11 NMSA 1978, a prosecutor may request that the criminal court grant the victim an order of protection to remain in effect for the duration of the criminal court's jurisdiction over the person.

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1 B. At any time after the expiration of a criminal
2 court's jurisdiction over a person against whom an order of
3 protection was granted pursuant to a request pursuant to
4 Subsection A of this section, the victim may:

5 (1) file a petition for an order of protection
6 against the person; and

7 (2) submit evidence of the person's conviction
8 for criminal sexual penetration as cause for the court to grant
9 the order of protection.

10 C. Based on evidence submitted pursuant to
11 Subsection B of this section, a court may take judicial notice
12 of the facts that led to a person's conviction for criminal
13 sexual penetration and a victim shall not be required to appear
14 before the court on the victim's petition for an order of
15 protection; provided, however, that another person may appear
16 on the victim's behalf.

17 D. A court may grant an order of protection
18 pursuant to this section for any length of time, including for
19 a victim's lifetime.

20 E. Notwithstanding the provisions of Subsection C
21 of Section 40-13-6 NMSA 1978, an order of protection granted
22 pursuant to this section shall continue until the expiration
23 provided in the order, if any, or until modified or rescinded
24 upon a motion by the victim."

25 **SECTION 2. EFFECTIVE DATE.**--The effective date of the

.202672.1

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1 provisions of this act is July 1, 2016.

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