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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:

"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.

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

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

(2) submit evidence of the person's
conviction for criminal sexual penetration, including out-of-
state, as cause for the court to grant the order of

1 protection.

2 C. Based on evidence submitted pursuant to
3 Subsection B of this section, a court may take judicial
4 notice of the facts that led to a person's conviction for
5 criminal sexual penetration and a victim shall not be
6 required to appear before the court on the victim's petition
7 for an order of protection; provided, however, that another
8 person may appear on the victim's behalf.

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

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15 provided in the order, if any, or until modified or rescinded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

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

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