

1 HOUSE BILL 449

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Joanne J. Ferrary and Patricia Roybal Caballero  
5 and Christine Trujillo and Elizabeth "Liz" Thomson  
6 and Deborah A. Armstrong

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9  
10 AN ACT

11 RELATING TO DOMESTIC VIOLENCE; RECOGNIZING HARM OR THREATENED  
12 HARM TO PETS AS DOMESTIC ABUSE.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 40-13-2 NMSA 1978 (being Laws 1987,  
16 Chapter 286, Section 2, as amended) is amended to read:

17 "40-13-2. DEFINITIONS.--As used in the Family Violence  
18 Protection Act:

19 A. "continuing personal relationship" means a  
20 dating or intimate relationship;

21 B. "co-parents" means persons who have a child in  
22 common, regardless of whether they have been married or have  
23 lived together at any time;

24 C. "court" means the district court of the judicial  
25 district where an alleged victim of domestic abuse resides or

.207150.1

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underscored material = new  
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1 is found;

2 D. "domestic abuse":

3 (1) means an incident of stalking or sexual  
4 assault whether committed by a household member or not;

5 (2) means an incident by a household member  
6 against another household member consisting of or resulting in:

7 (a) physical harm;

8 (b) severe emotional distress;

9 (c) bodily injury or assault;

10 (d) a threat causing imminent fear of  
11 bodily injury by any household member;

12 (e) criminal trespass;

13 (f) criminal damage to property;

14 (g) repeatedly driving by a residence or  
15 work place;

16 (h) telephone harassment;

17 (i) harassment; or

18 (j) harm or threatened harm to children  
19 as set forth in this paragraph; [~~and~~]

20 (3) means an incident by a household member  
21 consisting of injuring or killing or threatening to injure or  
22 kill a pet; and

23 [~~(3)~~] (4) does not mean the use of force in  
24 self-defense or the defense of another;

25 E. "household member" means a spouse, former

underscoring material = new  
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1 spouse, parent, present or former stepparent, present or former  
2 [~~parent-in-law~~] parent-in-law, grandparent, grandparent-in-law,  
3 child, stepchild, grandchild, co-parent of a child or a person  
4 with whom the petitioner has had a continuing personal  
5 relationship. Cohabitation is not necessary to be deemed a  
6 household member for purposes of this section;

7 F. "mutual order of protection" means an order of  
8 protection that includes provisions that protect both parties;

9 G. "order of protection" means an injunction or a  
10 restraining or other court order granted for the protection of  
11 a victim of domestic abuse;

12 H. "protected party" means a person protected by an  
13 order of protection; and

14 I. "restrained party" means a person who is  
15 restrained by an order of protection."