

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 23

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

AN ACT

RELATING TO ORDERS OF PROTECTION; CREATING A PILOT PROJECT IN  
THE SECOND JUDICIAL DISTRICT COURT TO ASSESS THE EFFECTIVENESS  
OF USING EXCLUSION ZONES MONITORED BY A GLOBAL POSITIONING  
SATELLITE TRACKING SYSTEM UPON VIOLATION OF AN ORDER OF  
PROTECTION.

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] ELECTRONICALLY MONITORED EXCLUSION ZONES  
PILOT PROJECT.--

A. The second judicial district court may undertake  
a pilot project to assess the effectiveness of using a global  
positioning satellite tracking system to monitor exclusion  
zones established upon a finding that a restrained party is a

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underscored material = new  
[bracketed material] = delete

1 credible threat to a protected party or upon noncompliance with  
2 the order of protection by the restrained party. The exclusion  
3 zones shall be established and monitored pursuant to  
4 Subsections B through G of this section.

5 B. The second judicial district court may operate,  
6 or contract with a third party to operate, a global positioning  
7 satellite tracking system. The global positioning satellite  
8 tracking system used pursuant to this section shall use the  
9 best available global positioning satellite technology with the  
10 capability to:

11 (1) immediately notify law enforcement or  
12 other monitors of any breach of the court-ordered exclusion  
13 zone boundaries;

14 (2) notify the protected party in near-real  
15 time of any breach;

16 (3) allow monitors to speak to the restrained  
17 party through a cell phone or similar technology implanted in  
18 the global positioning satellite tracking device; and

19 (4) activate a loud alarm to warn the  
20 protected party of the restrained party's presence in an  
21 exclusion zone.

22 C. When a restrained party has been found to have  
23 violated an order of protection, the second judicial district  
24 court may, in addition to other remedies, establish geographic  
25 exclusion zones into which the restrained party shall not enter

1 for, at a minimum, the duration of the order of protection.  
2 The scope and area encompassed by the exclusion zone shall be  
3 determined by the court as provided in Section 40-13-6 NMSA  
4 1978.

5 D. If a restrained party enters an exclusion zone,  
6 the restrained party may be considered to have violated the  
7 order of protection.

8 E. To enforce the exclusion zones, the second  
9 judicial district court may order that the restrained party  
10 wear a global positioning satellite tracking device designed to  
11 transmit and record the restrained party's location data. If  
12 the restrained party enters a court-defined exclusion zone, the  
13 restrained party's location data shall be immediately  
14 transmitted to the protected party and law enforcement.

15 F. The order for placement of the global  
16 positioning satellite tracking device may remain in place for  
17 so long as the second judicial district court deems it  
18 necessary to ensure compliance with the order of protection.

19 G. Tampering with or removing the global  
20 positioning satellite tracking device by the restrained party  
21 is a violation of the law.

22 H. The second judicial district court may order the  
23 restrained party to pay for the global positioning satellite  
24 tracking device.

25 I. The second judicial district court may seek

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1 federal funding or other funding to support the global  
2 positioning satellite tracking system monitoring of exclusion  
3 zones pilot project."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2017.