

HOUSE BILL 52

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Joanne J. Ferrary

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO DOMESTIC VIOLENCE; RECOGNIZING HARM OR THREATENED HARM TO COMPANION ANIMALS AS DOMESTIC ABUSE.

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

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

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

HJC→A. "companion animal" means a vertebrate commonly kept as a domestic pet;←HJC

.211671.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

HJC→A B←HJC. "continuing personal relationship"
means a dating or intimate relationship;

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

HJC→G D←HJC. "court" means the district court of
the judicial district where an alleged victim of domestic abuse
resides or is found;

HJC→D E←HJC . "domestic abuse":

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

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

- (a) physical harm;
- (b) severe emotional distress;
- (c) bodily injury or assault;
- (d) a threat causing imminent fear of
bodily injury by any household member;
- (e) criminal trespass;
- (f) criminal damage to property;
- (g) repeatedly driving by a residence or
work place;
- (h) telephone harassment;
- (i) harassment;
- (j) strangulation;

.211671.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

(k) suffocation; or

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

(3) means an incident by a household member consisting of or resulting in the act or threat of:

(a) intentionally or maliciously torturing, mutilating, injuring or poisoning a HJC→household member's←HJC companion animal; or

(b) HJC→intentionally or←HJC maliciously killing a HJC→household member's←HJC companion animal; and

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

HJC→E F←HJC . "household member" means a spouse, former spouse, parent, present or former stepparent, present or former [~~parent-in-law~~] parent-in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section;

HJC→F G←HJC . "mutual order of protection" means an order of protection that includes provisions that protect both parties;

HJC→G H←HJC . "order of protection" means an injunction or a restraining or other court order granted for the protection of a victim of domestic abuse;

.211671.1

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight←

delete = →bold, red, highlight, strikethrough←

HJC→**H** **I**←HJC . "protected party" means a person
protected by an order of protection;

HJC→**I** **J**←HJC . "restrained party" means a person
who is restrained by an order of protection;

HJC→**J** **K**←HJC. "strangulation" has the same meaning
as set forth in Section 30-3-11 NMSA 1978; and

HJC→**K** **L**←HJC. "suffocation" has the same meaning as
set forth in Section 30-3-11 NMSA 1978."