

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 208

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Clemente Sanchez

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF MAKING A FALSE REPORT
OF DOMESTIC VIOLENCE ABUSE; PROVIDING A PENALTY.

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

SECTION 1. A new section of Chapter 30, Article 39 NMSA
1978 is enacted to read:

"[NEW MATERIAL] FALSE REPORT OF DOMESTIC VIOLENCE.--

A. Making a false report of domestic violence abuse
consists of knowingly reporting a false statement of domestic
violence:

(1) to:

(a) a law enforcement agency; or

(b) another person with the intent that

the person told the statement make a report of domestic
violence abuse to a law enforcement agency; and

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 (2) with the intent to gain monetary or
2 property incentives, to gain an award of child custody or to
3 procure a restraining order or with the intent of withholding
4 information that would exonerate the individual accused of
5 committing domestic violence.

6 B. Whoever commits making a false report of
7 domestic violence abuse is guilty of a fourth degree felony.

8 C. As used in this section:

9 (1) "domestic violence abuse" means any of the
10 following offenses:

11 (a) assault against a household member,
12 as provided in Section 30-3-12 NMSA 1978;

13 (b) aggravated assault against a
14 household member, as provided in Section 30-3-13 NMSA 1978;

15 (c) assault against a household member
16 with intent to commit a violent felony, as provided in Section
17 30-3-14 NMSA 1978;

18 (d) battery against a household member,
19 as provided in Section 30-3-15 NMSA 1978;

20 (e) aggravated battery against a
21 household member, as provided in Section 30-3-16 NMSA 1978;

22 (f) multiple convictions of battery or
23 aggravated battery, as provided in Section 30-3-17 NMSA 1978;
24 and

25 (g) criminal damage to the property of a

.215754.1

underscored material = new
[bracketed material] = delete

1 household member and deprivation of the property of a household
2 member, as provided in Section 30-3-18 NMSA 1978; and

3 (2) "law enforcement agency" means a law
4 enforcement agency and its employees of the state or a
5 political subdivision of the state."

6 SECTION 2. Section 30-39-1 NMSA 1978 (being Laws 1979,
7 Chapter 145, Section 1) is amended to read:

8 "30-39-1. FALSE REPORT--PENALTY.--Except as provided in
9 Section 1 of this 2020 act, it is unlawful for [~~any~~] a person
10 to intentionally make a report to a law enforcement agency or
11 official, which report [~~he~~] the person knows to be false at the
12 time of making it, alleging a violation by another person of
13 the provisions of the Criminal Code. [~~Any~~] A person violating
14 the provisions of this section is guilty of a misdemeanor."

15 SECTION 3. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2020.