1	HOUSE BILL 351
2	44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999
3	INTRODUCED BY
4	Mimi Stewart
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10	AN ACT
11	RELATING TO DOMESTIC ABUSE; PROVIDING THAT STATE COURTS SHALL
12	GIVE FULL FAITH AND CREDIT TO ORDERS OF PROTECTION ISSUED BY
13	COURTS OF OTHER STATES; AMENDING A SECTION OF THE FAMILY
14	VIOLENCE PROTECTION ACT.
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16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
17	Section 1. Section 40-13-6 NMSA 1978 (being Laws 1987,
18	Chapter 286, Section 6, as amended) is amended to read:
19	"40-13-6. SERVICE OF ORDERDURATIONPENALTYREMEDIES
20	NOT EXCLUSIVE
21	A. An order of protection granted under the Family
22	Violence Protection Act shall be filed with the clerk of the
23	court and a copy shall be sent by the clerk to the local law
24	enforcement agency. The order shall be personally served upon
25	the respondent, unless he or his attorney was present at the
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time the order was issued. The order shall be filed and
 served without cost to the petitioner.

An order of protection granted by the court 3 **B**. involving custody or support shall be effective for a fixed 4 5 period of time not to exceed six months. The order may be extended for good cause upon motion of the petitioner for an 6 7 additional period of time not to exceed six months. 8 Injunctive orders shall continue until modified or rescinded 9 upon motion by either party or until the court approves a 10 subsequent consent agreement entered into by the petitioner 11 and the respondent.

C. A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order pursuant to this section.

D. State courts shall give full faith and credit to tribal court orders of protection <u>and orders of protection</u> <u>issued by courts of other states</u>.

E. A person convicted of violating an order of protection granted by a court under the Family Violence Protection Act is guilty of a misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978. Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or . 126411.1

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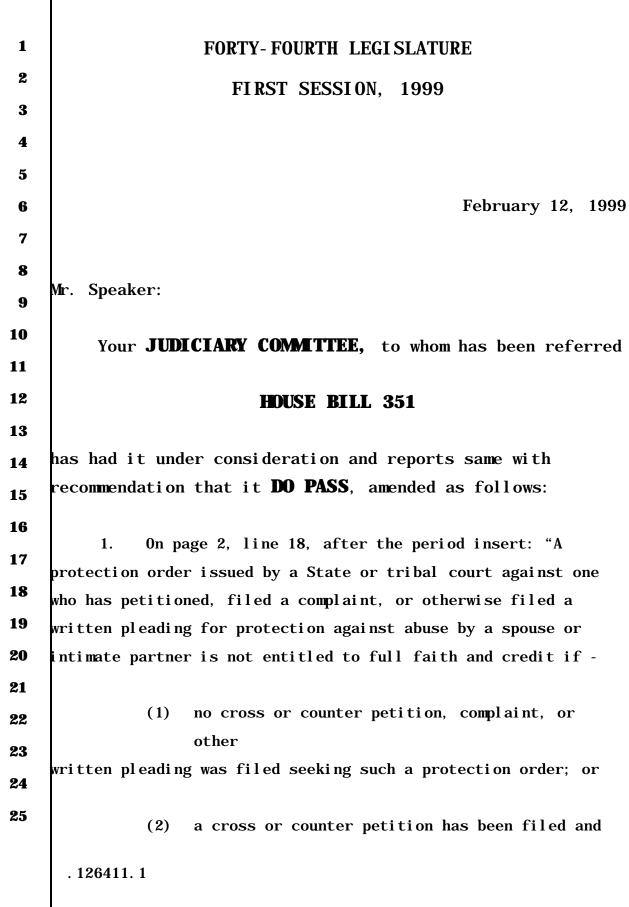
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taken under advisement.

In addition to any other punishment provided in 2 F. the Family Violence Protection Act, the court shall order a 3 4 person convicted to make full restitution to the party injured by the violation of an order of protection and order the 5 person convicted to participate in and complete a program of 6 7 professional counseling, at his own expense, if possible. 8 G. In addition to charging the person with 9 violating an order of protection, a peace officer shall file 10 all other possible criminal charges arising from an incident of domestic abuse when probable cause exists. 11 12 H. The remedies provided in the Family Violence 13 Protection Act are in addition to any other civil or criminal 14 remedy available to the petitioner." EFFECTIVE DATE. -- The effective date of the 15 Section 2. 16 provisions of this act is July 1, 1999. - 3 -17 18 19 20 21 22 23 24 25 . 126411. 1

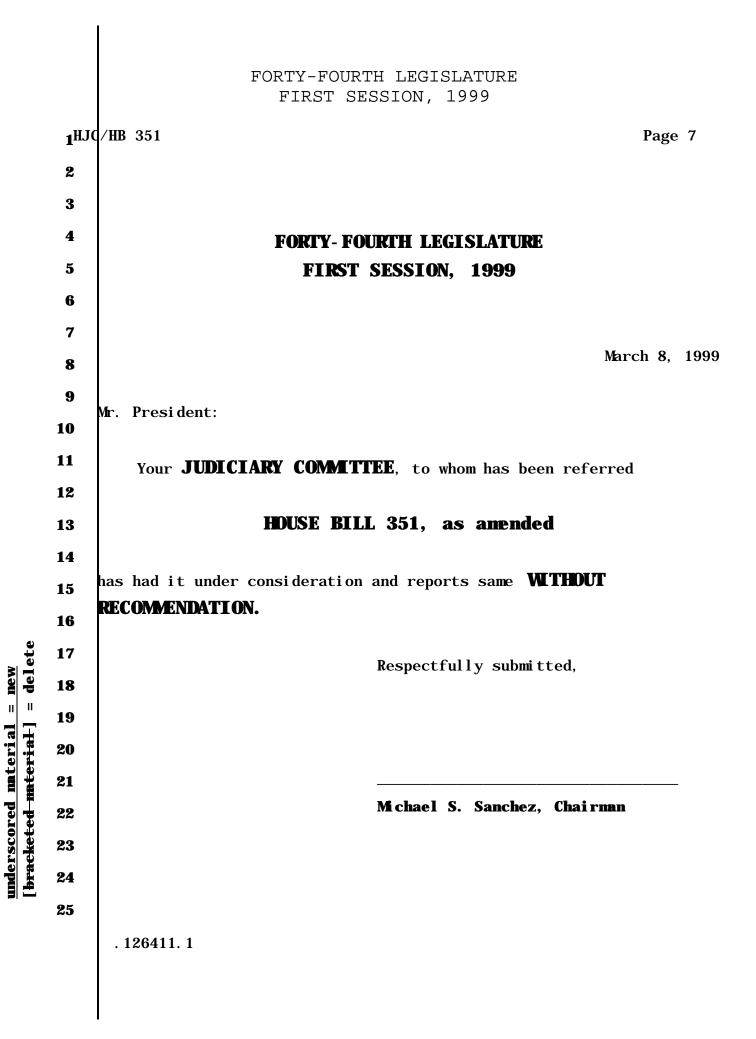


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	3 <sup>HJC</sup>	/HB 351	Page 5			
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                        Luna, Rios, T. Taylor
          Excused:
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