



The Legislature
of the
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 85

SENATE BILL 2

Introduced by

SENATOR PETER WIRTH AND REPRESENTATIVE KAREN E. GIANNINI



FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

Chapter 85

AN ACT

RELATING TO DOMESTIC ABUSE; NARROWING THE DEFINITION OF
"HOUSEHOLD MEMBER" IN THE CRIMES AGAINST HOUSEHOLD MEMBERS
ACT AND THE FAMILY VIOLENCE PROTECTION ACT.

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

Section 1. Section 30-3-11 NMSA 1978 (being Laws 1995,
Chapter 221, Section 2, as amended) is amended to read:

"30-3-11. DEFINITIONS.--As used in the Crimes Against
Household Members Act:

A. "household member" means a spouse, former
spouse, parent, present or former stepparent, present or
former parent in-law, grandparent, grandparent-in-law, a
co-parent of a child or a person with whom a person has had a
continuing personal relationship. Cohabitation is not
necessary to be deemed a household member for the purposes of
the Crimes Against Household Members Act; and

B. "continuing personal relationship" means a
dating or intimate relationship."

Section 2. 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:

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

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

4 C. "court" means the district court of the
5 judicial district where an alleged victim of domestic abuse
6 resides or is found;

7 D. "domestic abuse":

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

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

13 (a) physical harm;

14 (b) severe emotional distress;

15 (c) bodily injury or assault;

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

18 (e) criminal trespass;

19 (f) criminal damage to property;

20 (g) repeatedly driving by a residence
21 or work place;

22 (h) telephone harassment;

23 (i) harassment; or

24 (j) harm or threatened harm to children
25 as set forth in this paragraph; and

1 (3) does not mean the use of force in
2 self-defense or the defense of another;

3 E. "household member" means a spouse, former
4 spouse, parent, present or former stepparent, present or
5 former parent in-law, grandparent, grandparent-in-law, child,
6 stepchild, grandchild, co-parent of a child or a person with
7 whom the petitioner has had a continuing personal
8 relationship. Cohabitation is not necessary to be deemed a
9 household member for purposes of this section;

10 F. "mutual order of protection" means an order of
11 protection that includes provisions that protect both
12 parties;

13 G. "order of protection" means an injunction or a
14 restraining or other court order granted for the protection
15 of a victim of domestic abuse;

16 H. "protected party" means a person protected by
17 an order of protection; and

18 I. "restrained party" means a person who is
19 restrained by an order of protection."

20 Section 3. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2010. _____

Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo

Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias

Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 8th day of March, 2010

Bill Richardson

Governor Bill Richardson
State of New Mexico

RECEIVED BY UNIT 23

2010/03/08

RECEIVED BY UNIT 23

2010/03/08

2010/03/08