

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 110

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
R.L. Stockard

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING A PEACE OFFICER WITH  
AUTHORITY TO MAKE AN ARREST WITHOUT A WARRANT FOR AN ALLEGED  
MISDEMEANOR OFFENSE COMMITTED ON SCHOOL PREMISES; ENACTING A  
NEW SECTION OF THE CRIMINAL CODE.

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

Section 1. A new section of the Criminal Code is  
enacted to read:

"[NEW MATERIAL] ALLEGED MISDEMEANOR OFFENSES COMMITTED  
ON SCHOOL PREMISES--AUTHORITY TO ARREST WITHOUT A WARRANT--  
LIABILITY.--

A. A peace officer may arrest without a warrant  
and take into custody a person who the peace officer has  
probable cause to believe has committed a misdemeanor offense  
on school premises.

B. A peace officer shall not be held criminally or

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

1 civilly liable for making an arrest pursuant to the  
2 provisions of this section; provided that the officer acts in  
3 good faith when he makes the arrest.

4 C. As used in this section, "school premises"  
5 means:

6 (1) the buildings and grounds, including  
7 playgrounds, playing fields and parking areas and any school  
8 bus of any public elementary, secondary, junior high or high  
9 school in or on which school or school-related activities are  
10 being operated under the supervision of a local school board;  
11 or

12 (2) any other public buildings or grounds,  
13 including playing fields and parking areas that are not  
14 public school property, in or on which public school-related  
15 and sanctioned activities are being performed."

16 Section 2. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2000.