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AN ACT

RELATING TO CRIMINAL LAW; AMENDING A SECTION OF THE VICTIMS OF CRIME ACT TO EXPAND THE DEFINITION OF "CRIMINAL OFFENSE" SET FORTH IN THAT ACT.

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

Section 1. Section 31-26-3 NMSA 1978 (being Laws 1994, Chapter 144, Section 3, as amended) is amended to read:

"31-26-3. DEFINITIONS.--As used in the Victims of Crime Act:

A. "court" means magistrate court, metropolitan court, children's court, district court, the court of appeals or the supreme court;

B. "criminal offense" means:

- (1) negligent arson resulting in death or bodily injury, as provided in Subsection B of Section 30-17-5 NMSA 1978;
- (2) aggravated arson, as provided in Section 30-17-6 NMSA 1978;
- (3) aggravated assault, as provided in Section 30-3-2 NMSA 1978;
- (4) aggravated battery, as provided in Section 30-3-5 NMSA 1978;
- (5) dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978;
- (6) negligent use of a deadly weapon, as provided in Section 30-7-4 NMSA 1978;
- (7) murder, as provided in Section 30-2-1 NMSA 1978;
- (8) voluntary manslaughter, as provided in Section 30-2-3 NMSA 1978;
- (9) involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978;

- 1 (10) kidnapping, as provided in Section 30-4-1 NMSA 1978;
2 (11) criminal sexual penetration, as provided in Section 30-9-
3 11 NMSA 1978;
4 (12) criminal sexual contact of a minor, as provided in Section
5 30-9-13 NMSA 1978;
6 (13) armed robbery, as provided in Section 30-16-2 NMSA
7 1978;
8 (14) homicide by vehicle, as provided in Section 66-8-101
9 NMSA 1978;
10 (15) great bodily injury by vehicle, as provided in Section 66-8-
11 101 NMSA 1978;
12 (16) abandonment or abuse of a child, as provided in Section
13 30-6-1 NMSA 1978;
14 (17) stalking or aggravated stalking, as provided in the
15 Harassment and Stalking Act;
16 (18) aggravated assault against a household member, as
17 provided in Section 30-3-13 NMSA 1978;
18 (19) assault against a household member with intent to commit
19 a violent felony, as provided in Section 30-3-14 NMSA 1978;
20 (20) battery against a household member, as provided in
21 Section 30-3-15 NMSA 1978; or
22 (21) aggravated battery against a household member, as
23 provided in Section 30-3-16 NMSA 1978;
24 C. "court proceeding" means a hearing, argument or other action
25 scheduled by and held before a court;
D. "family member" means a spouse, child, sibling, parent or
grandparent;
E. "formally charged" means the filing of an indictment, the filing of a
criminal information pursuant to a bind-over order, the filing of a petition or the setting

1 of a preliminary hearing;

2 F. "victim" means an individual against whom a criminal offense is
3 committed. "Victim" also means a family member or a victim's representative when the
4 individual against whom a criminal offense was committed is a minor, is incompetent or
5 is a homicide victim; and

6 G. "victim's representative" means an individual designated by a victim
7 or appointed by the court to act in the best interests of the victim."

8 Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act
9 is July 1, 2003.

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