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HOUSE BILL 232

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mimi Stewart

AN ACT

**RELATING TO VICTIM RIGHTS; CLARIFYING AND EXPANDING A
DEFINITION.**

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;**

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- 1 (2) aggravated arson, as provided in Section
- 2 30-17-6 NMSA 1978;
- 3 (3) aggravated assault, as provided in Section
- 4 30-3-2 NMSA 1978;
- 5 (4) aggravated battery, as provided in Section
- 6 30-3-5 NMSA 1978;
- 7 (5) dangerous use of explosives, as provided
- 8 in Section 30-7-5 NMSA 1978;
- 9 (6) negligent use of a deadly weapon, as
- 10 provided in Section 30-7-4 NMSA 1978;
- 11 (7) murder, as provided in Section 30-2-1 NMSA
- 12 1978;
- 13 (8) voluntary manslaughter, as provided in
- 14 Section 30-2-3 NMSA 1978;
- 15 (9) involuntary manslaughter, as provided in
- 16 Section 30-2-3 NMSA 1978;
- 17 (10) kidnapping, as provided in Section 30-4-1
- 18 NMSA 1978;
- 19 (11) criminal sexual penetration, as provided
- 20 in Section 30-9-11 NMSA 1978;
- 21 (12) criminal sexual contact of a minor, as
- 22 provided in Section 30-9-13 NMSA 1978;
- 23 (13) armed robbery, as provided in Section
- 24 30-16-2 NMSA 1978;
- 25 (14) homicide by vehicle, as provided in

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1 Section 66-8-101 NMSA 1978;

2 (15) great bodily injury by vehicle, as
3 provided in Section 66-8-101 NMSA 1978;

4 (16) abandonment or abuse of a child, as
5 provided in Section 30-6-1 NMSA 1978;

6 (17) stalking or aggravated stalking, as
7 provided in the Harassment and Stalking Act;

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

10 (19) assault against a household member with
11 intent to commit a violent felony, as provided in Section
12 30-3-14 NMSA 1978;

13 (20) battery against a household member, as
14 provided in Section 30-3-15 NMSA 1978; or

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

17 C. "court proceeding" means a hearing, argument or
18 other action scheduled by and held before a court;

19 D. "family member" means a spouse, child, sibling,
20 parent or grandparent;

21 E. "formally charged" means the filing of an
22 indictment, the filing of a criminal information pursuant to a
23 bind-over order, the filing of a criminal complaint for a
24 misdeemeanor enumerated in Subsection B of this section, the
25 filing of a petition or the setting of a preliminary hearing;

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

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

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