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SENATE BILL 315	
SENAIE BILL 313	
47th Legislature - STATE OF NEW MEXICO - FIRST SESSION, 20	05
INTRODUCED BY	
Sue Wilson Beffort	

AN ACT

RELATING TO DOMESTIC ABUSE; PROVIDING FOR AN ARREST WITHOUT A
WARRANT OF A PERSON WITHIN TWENTY-FOUR HOURS AFTER AN OFFICER
ARRIVES AT THE SCENE OF A DOMESTIC DISTURBANCE.

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

Section 1. Section 31-1-7 NMSA 1978 (being Laws 1979, Chapter 178, Section 1, as amended) is amended to read:

"31-1-7. ARREST WITHOUT WARRANT--LIABILITY.--

A. Notwithstanding the provisions of any other law to the contrary, a peace officer may arrest a person and take that person into custody without a warrant:

(1) when the officer is at the scene of a domestic disturbance and has probable cause to believe that the person has committed an assault or a battery upon a household member; or

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(2) within twenty-four hours after the
officer arrives at the scene of a domestic disturbance where
the person is not present and the officer has probable cause to
believe that the person has committed an assault or a battery
upon a household member.

<u>B.</u> As used in this section, "household member" means a spouse; former spouse; family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child; or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section.

[B.] C. No peace officer shall be held criminally or civilly liable for making an arrest pursuant to this section, provided [he] the officer acts in good faith and without malice.

[C.] D. Whether or not an arrest is made pursuant to this section, a peace officer may remain with the victim and assist the victim in getting to a shelter or receiving proper medical attention."

Section 2. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2005.

- 2 -