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HOUSE BILL 423

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO DOMESTIC ABUSE; PROVIDING FOR AN ARREST WITHOUT A  
WARRANT WHEN EXIGENT CIRCUMSTANCES SUPPORT THAT ARREST.

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 when the officer [~~is~~  
~~at the scene of~~] responds to a domestic disturbance and has  
probable cause to believe that the person has committed an  
assault or a battery upon a household member and exigent  
circumstances support making an immediate arrest.

B. As used in this section, "household member"

underscored material = new  
[bracketed material] = delete

1 means a spouse; former spouse; family member, including a  
2 relative, parent, present or former stepparent, present or  
3 former in-law, child or co-parent of a child; or a person with  
4 whom the victim has had a continuing personal relationship.  
5 Cohabitation is not necessary to be deemed a household member  
6 for purposes of this section.

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

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

15 Section 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2007.

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