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HOUSE BILL 961

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

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO LAW ENFORCEMENT; GRANTING IMMUNITY TO LAW  
ENFORCEMENT OFFICERS FOR INJURY, DEATH OR PROPERTY DAMAGE  
CAUSED BY HIGH-SPEED PURSUITS AND ROADBLOCKS.

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

Section 1. Section 41-4-12 NMSA 1978 (being Laws 1976,  
Chapter 58, Section 12, as amended) is amended to read:

"41-4-12. LIABILITY--LAW ENFORCEMENT OFFICERS.--

A. Except as provided in Subsection B of this  
section, the immunity granted pursuant to Subsection A of  
Section [~~5-14-4 NMSA 1953~~] 41-4-4 NMSA 1978 does not apply to  
liability for personal injury, bodily injury, wrongful death or  
property damage resulting from assault, battery, false  
imprisonment, false arrest, malicious prosecution, abuse of  
process, libel, slander, defamation of character, violation of

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1 property rights or deprivation of any rights, privileges or  
2 immunities secured by the constitution and laws of the United  
3 States or New Mexico when caused by law enforcement officers  
4 while acting within the scope of their duties.

5 B. The immunity granted pursuant to Subsection A of  
6 Section 41-4-4 NMSA 1978 applies to liability for high-speed  
7 pursuits and roadblocks conducted by law enforcement officers  
8 while acting within the scope of their duties.

9 C. As used in this section:

10 (1) "high-speed pursuit" means an attempt by a  
11 law enforcement officer in an authorized emergency vehicle to  
12 apprehend an occupant of a motor vehicle the driver of which is  
13 actively attempting to avoid apprehension by exceeding the  
14 speed limit; and

15 (2) "roadblock" means a temporary installation  
16 or set up to control or block traffic along a road for the  
17 purpose of apprehending a fleeing suspect."

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

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