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SENATE BILL 109

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO CIVIL ACTIONS; PROVIDING IMMUNITY FROM CIVIL ACTION
FOR JUSTIFIABLE USE OF FORCE.

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

Section 1. CIVIL IMMUNITY FOR SELF-DEFENSE.--

A. A person who uses force that is justified pursuant to Section 30-2-7 NMSA 1978, or who is otherwise found to have acted in self-defense or defense of another, whether or not the person causes property damage, injury or death, is immune from civil action for the use of such force unless the person knew or reasonably should have known that the person against whom the force was used was a law enforcement officer acting in the scope of official duties.

B. A court shall award reasonable costs and attorney fees as well as compensation for loss of income and

underscored material = new
~~[bracketed material]~~ = delete

1 other reasonable expenses incurred by a defendant in defense of
2 a civil action if the court finds that the defendant is immune
3 from such an action pursuant to this section.

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