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SENATE BILL 605

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

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING LAW ENFORCEMENT OFFICERS  
TO TRANSPORT PERSONS WITH MENTAL ILLNESS TO TREATMENT CENTERS  
RATHER THAN JAILS IN CERTAIN DOMESTIC VIOLENCE CASES.

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

Section 1. A new section of the Crimes Against Household  
Members Act is enacted to read:

"[NEW MATERIAL] DETENTION AND TRANSPORT FOR EMERGENCY  
MENTAL HEALTH EVALUATION.--

A. A law enforcement officer shall detain and  
transport a person for emergency mental health evaluation and  
care in accordance with Section 43-1-10 NMSA 1978 if:

(1) the law enforcement officer has probable  
cause to believe that the person has committed a crime  
classified as a misdemeanor or petty misdemeanor pursuant to

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- the Crimes Against Household Members Act;
- (2) the law enforcement officer has reasonable grounds to believe that the person has a mental illness;
- (3) the alleged victim consents to the person's transportation for evaluation; and
- (4) the person is not charged with a felony.

B. Nothing in this section precludes the filing of a criminal complaint against a person."