

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 2

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO DOMESTIC ABUSE; NARROWING THE DEFINITION OF
"HOUSEHOLD MEMBER" IN THE CRIMES AGAINST HOUSEHOLD MEMBERS ACT
AND THE FAMILY VIOLENCE PROTECTION ACT.

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

Section 1. Section 30-3-11 NMSA 1978 (being Laws 1995,
Chapter 221, Section 2, as amended) is amended to read:

"30-3-11. DEFINITIONS.--As used in the Crimes Against
Household Members Act:

A. "household member" means a spouse, former spouse
~~[or family member, including a relative]~~, parent, present or
former stepparent, present or former parent in-law,
grandparent, grandparent-in-law, a co-parent of a child or a
person with whom a person has had a continuing personal
relationship. Cohabitation is not necessary to be deemed a

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 household member for the purposes of the Crimes Against
2 Household Members Act; and

3 B. "continuing personal relationship" means a
4 dating or intimate relationship."

5 Section 2. Section 40-13-2 NMSA 1978 (being Laws 1987,
6 Chapter 286, Section 2, as amended) is amended to read:

7 "40-13-2. DEFINITIONS.--As used in the Family Violence
8 Protection Act:

9 A. "continuing personal relationship" means a
10 dating or intimate relationship;

11 [~~A.~~] B. "co-parents" means persons who have a child
12 in common, regardless of whether they have been married or have
13 lived together at any time;

14 [~~B.~~] C. "court" means the district court of the
15 judicial district where an alleged victim of domestic abuse
16 resides or is found;

17 [~~C.~~] D. "domestic abuse":

18 (1) means an incident of stalking or sexual
19 assault whether committed by a household member or not;

20 (2) means an incident by a household member
21 against another household member consisting of or resulting in:

22 (a) physical harm;

23 (b) severe emotional distress;

24 (c) bodily injury or assault;

25 (d) a threat causing imminent fear of

underscored material = new
[bracketed material] = delete

1 bodily injury by any household member;

2 (e) criminal trespass;

3 (f) criminal damage to property;

4 (g) repeatedly driving by a residence or
5 work place;

6 (h) telephone harassment;

7 (i) harassment; or

8 (j) harm or threatened harm to children
9 as set forth in this paragraph; and

10 (3) does not mean the use of force in self-
11 defense or the defense of another;

12 [~~D.~~] E. "household member" means a spouse, former
13 spouse, [~~family member, including a relative~~] parent, present
14 or former stepparent, present or former parent in-law,
15 grandparent, grandparent-in-law, child, [~~or~~] stepchild,
16 grandchild, co-parent of a child or a person with whom the
17 petitioner has had a continuing personal relationship.

18 Cohabitation is not necessary to be deemed a household member
19 for purposes of this section;

20 [~~E.~~] F. "mutual order of protection" means an order
21 of protection that includes provisions that protect both
22 parties;

23 [~~F.~~] G. "order of protection" means an injunction
24 or a restraining or other court order granted for the
25 protection of a victim of domestic abuse;

.179358.1GR

