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AN ACT  
RELATING TO LAW ENFORCEMENT; ENACTING THE UNIFORM INTERSTATE  
ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT;  
PERMITTING REGISTRATION OF FOREIGN DOMESTIC VIOLENCE  
PROTECTION ORDERS.

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

SECTION 1. SHORT TITLE.--Sections 1 through 9 of this  
act may be cited as the "Uniform Interstate Enforcement of  
Domestic Violence Protection Orders Act".

SECTION 2. DEFINITIONS.--As used in the Uniform  
Interstate Enforcement of Domestic Violence Protection Orders  
Act:

A. "foreign protection order" means a protection  
order issued by a tribunal of another state;

B. "issuing state" means the state whose tribunal  
issues a protection order;

C. "mutual foreign protection order" means a  
foreign protection order that includes provisions in favor of  
both the protected individual seeking enforcement of the  
order and the respondent;

D. "protected individual" means a person protected  
by a protection order;

E. "protection order" means an injunction or other  
order, issued by a tribunal under the domestic violence,

1 family violence or antistalking laws of the issuing state, to  
2 prevent a person from engaging in a violent or threatening  
3 act against, harassment of, contact or communication with or  
4 physical proximity to another person;

5 F. "respondent" means the person against whom  
6 enforcement of a protection order is sought;

7 G. "state" means a state of the United States, the  
8 District of Columbia, Puerto Rico, the United States Virgin  
9 Islands or any territory or insular possession subject to the  
10 jurisdiction of the United States. "State" includes an  
11 Indian pueblo, tribe, nation or band that has jurisdiction to  
12 issue protection orders; and

13 H. "tribunal" means a court, agency or other  
14 entity authorized by law to issue or modify a protection  
15 order.

16 SECTION 3. JUDICIAL ENFORCEMENT OF A FOREIGN PROTECTION  
17 ORDER.--

18 A. A person may seek enforcement of a valid  
19 foreign protection order in a New Mexico tribunal. The  
20 tribunal shall enforce the terms of the order, including  
21 terms that provide relief that a New Mexico tribunal would  
22 lack power to provide but for this section. The tribunal  
23 shall enforce the order, whether the order was obtained by  
24 independent action or in another proceeding, if it is an  
25 order issued in response to a complaint, petition or motion

1 filed by or on behalf of a person seeking protection. In a  
2 proceeding to enforce a foreign protection order, the  
3 tribunal shall follow New Mexico procedures for the  
4 enforcement of protection orders.

5 B. A New Mexico tribunal shall not enforce a  
6 foreign protection order issued by a tribunal of a state that  
7 does not recognize the standing of a protected individual to  
8 seek enforcement of the order.

9 C. A New Mexico tribunal shall enforce the  
10 provisions of a valid foreign protection order governing  
11 custody and visitation, if the order was issued in accordance  
12 with the jurisdictional requirements governing the issuance  
13 of custody and visitation orders in the issuing state.

14 D. A foreign protection order is valid if it:

15 (1) identifies the protected individual and  
16 the respondent;

17 (2) is currently in effect;

18 (3) was issued by a tribunal that had  
19 jurisdiction over the parties and subject matter under the  
20 law of the issuing state; and

21 (4) was issued after the respondent was  
22 given reasonable notice and had an opportunity to be heard  
23 before the tribunal issued the order or, in the case of an  
24 ex parte order, the respondent was given notice and has had  
25 or will have an opportunity to be heard within a reasonable

1 time after the order was issued in a manner consistent with  
2 the due process rights of the respondent.

3 E. A foreign protection order valid on its face is  
4 prima facie evidence of its validity.

5 F. Absence of any of the criteria for validity of  
6 a foreign protection order is an affirmative defense in an  
7 action seeking enforcement of the order.

8 G. A New Mexico tribunal may enforce provisions of  
9 a mutual foreign protection order only if:

10 (1) both parties filed a written pleading  
11 seeking a protection order from the tribunal of the issuing  
12 state; and

13 (2) the tribunal of the issuing state made  
14 specific findings that each party was entitled to a  
15 protection order.

16 SECTION 4. NONJUDICIAL ENFORCEMENT OF FOREIGN  
17 PROTECTION ORDER.--

18 A. A New Mexico law enforcement officer, upon  
19 determining that there is probable cause to believe that a  
20 valid foreign protection order exists and that the order has  
21 been violated, shall enforce the order as if it were the  
22 order of a New Mexico tribunal. Presentation of a foreign  
23 protection order that identifies both the protected  
24 individual and the respondent and that, on its face, appears  
25 to be in effect constitutes probable cause to believe that a

1 valid foreign protection order exists. For the purposes of  
2 this section, a protection order may be inscribed on a  
3 tangible medium or may have been stored in an electronic or  
4 other medium if it is retrievable in perceivable form.  
5 Presentation of a certified copy of a protection order is not  
6 required for enforcement.

7 B. If a foreign protection order is not presented,  
8 a New Mexico law enforcement officer may consider other  
9 information in determining whether there is probable cause to  
10 believe that a valid foreign protection order exists.

11 C. If a New Mexico law enforcement officer  
12 determines that an otherwise valid foreign protection order  
13 cannot be enforced because the respondent has not been  
14 notified or served with the order, the officer shall inform  
15 the respondent of the order, make a reasonable effort to  
16 serve the order upon the respondent and allow the respondent  
17 a reasonable opportunity to comply with the order before  
18 enforcing the order.

19 D. Registration or filing of a foreign protection  
20 order in New Mexico is not required for the enforcement of a  
21 valid foreign protection order pursuant to the Uniform  
22 Interstate Enforcement of Domestic Violence Protection Orders  
23 Act.

24 SECTION 5. REGISTRATION OF FOREIGN PROTECTION ORDER.--

25 A. A person may register a foreign protection

1 order in New Mexico. To register a foreign protection order,  
2 a person shall present to the clerk of the district court:

3 (1) a copy of the foreign protection order  
4 that has been certified by the issuing tribunal; and

5 (2) an affidavit by the protected individual  
6 stating that, to the best of the protected individual's  
7 knowledge, the foreign protection order is currently in  
8 effect.

9 B. The clerk shall register the foreign protection  
10 order in accordance with this section. After the foreign  
11 protection order is registered, the clerk shall furnish to  
12 the person registering the order a certified copy of the  
13 registered order and shall send a copy of the registered  
14 order to the local law enforcement agency. The clerk shall  
15 not notify the respondent that the foreign protection order  
16 has been registered in New Mexico unless requested to do so  
17 by the protected individual.

18 C. A registered foreign protection order that is  
19 inaccurate or is not currently in effect shall be corrected  
20 or removed from the tribunal's records in accordance with New  
21 Mexico law.

22 D. A foreign protection order registered under the  
23 Uniform Interstate Enforcement of Domestic Violence  
24 Protection Orders Act may be entered in any state or federal  
25 registry of protection orders in accordance with applicable

1 law.

2 E. A fee shall not be charged for the registration  
3 of a foreign protection order.

4 SECTION 6. LIMITS ON INTERNET PUBLICATION.--A state  
5 agency, court or political subdivision of the state,  
6 including a magistrate or municipal court, judicial district,  
7 law enforcement agency, county, municipality or home-rule  
8 municipality, shall not make available publicly on the  
9 internet any information regarding the registration of,  
10 filing of a petition for or issuance of a protection order,  
11 restraining order or injunction pursuant to the Uniform  
12 Interstate Enforcement of Domestic Violence Protection Orders  
13 Act, whether the filing or issuance occurred in New Mexico or  
14 any other state. However, the provisions of the preceding  
15 sentence shall not apply to a filing or issuance on the New  
16 Mexico state judiciary's statewide case management and  
17 e-filing system, but the address of a protected person shall  
18 be redacted from any such filing or issuance. A state  
19 agency, court or political subdivision may share  
20 court-generated and law enforcement-generated information  
21 contained in secure, governmental registries for protection  
22 order enforcement purposes.

23 SECTION 7. OTHER REMEDIES.--A protected individual who  
24 pursues remedies under the Uniform Interstate Enforcement of  
25 Domestic Violence Protection Orders Act is not precluded from

1 pursuing other legal or equitable remedies against the  
2 respondent.

3 SECTION 8. UNIFORMITY OF APPLICATION AND  
4 CONSTRUCTION.--In applying and construing the Uniform  
5 Interstate Enforcement of Domestic Violence Protection Orders  
6 Act, consideration shall be given to the need to promote  
7 uniformity of the law with respect to its subject matter  
8 among the states that enact that act.

9 SECTION 9. TRANSITIONAL PROVISION.--The Uniform  
10 Interstate Enforcement of Domestic Violence Protection Orders  
11 Act applies to protection orders issued before July 1, 2013  
12 and to continuing actions for enforcement of foreign  
13 protection orders commenced before July 1, 2013. A request  
14 for enforcement of a foreign protection order made on or  
15 after July 1, 2013 for violations of a foreign protection  
16 order occurring before July 1, 2013 is governed by the  
17 Uniform Interstate Enforcement of Domestic Violence  
18 Protection Orders Act.

19 SECTION 10. Section 40-13-6 NMSA 1978 (being Laws 1987,  
20 Chapter 286, Section 6, as amended) is amended to read:

21 "40-13-6. SERVICE OF ORDER--DURATION--PENALTY--REMEDIES  
22 NOT EXCLUSIVE.--

23 A. An order of protection granted under the Family  
24 Violence Protection Act shall be filed with the clerk of the  
25 court, and a copy shall be sent by the clerk to the local law



1 enforcement agency. The order shall be personally served  
2 upon the restrained party, unless the restrained party or the  
3 restrained party's attorney was present at the time the order  
4 was issued. The order shall be filed and served without cost  
5 to the protected party.

6 B. A local law enforcement agency receiving an  
7 order of protection from the clerk of the court that was  
8 issued under the Family Violence Protection Act shall have  
9 the order entered in the national crime information center's  
10 order of protection file within seventy-two hours of receipt.  
11 This does not include temporary orders of protection entered  
12 pursuant to the provisions of Section 40-13-4 NMSA 1978.

13 C. An order of protection granted by the court  
14 involving custody or support shall be effective for a fixed  
15 period of time not to exceed six months. The order may be  
16 extended for good cause upon motion of the protected party  
17 for an additional period of time not to exceed six months.  
18 Injunctive orders shall continue until modified or rescinded  
19 upon motion by either party or until the court approves a  
20 subsequent consent agreement entered into by the parties.

21 D. A peace officer may arrest without a warrant  
22 and take into custody a restrained party whom the peace  
23 officer has probable cause to believe has violated an order  
24 of protection that is issued pursuant to the Family Violence  
25 Protection Act or entitled to full faith and credit.

1           E. A restrained party convicted of violating an  
2 order of protection granted by a court under the Family  
3 Violence Protection Act is guilty of a misdemeanor and shall  
4 be sentenced in accordance with Section 31-19-1 NMSA 1978.  
5 Upon a second or subsequent conviction, an offender shall be  
6 sentenced to a jail term of not less than seventy-two  
7 consecutive hours that shall not be suspended, deferred or  
8 taken under advisement.

9           F. In addition to any other punishment provided in  
10 the Family Violence Protection Act, the court shall order a  
11 person convicted to make full restitution to the party  
12 injured by the violation of an order of protection and shall  
13 order the person convicted to participate in and complete a  
14 program of professional counseling, at the person's own  
15 expense, if possible.

16           G. In addition to charging the person with  
17 violating an order of protection, a peace officer shall file  
18 all other possible criminal charges arising from an incident  
19 of domestic abuse when probable cause exists.

20           H. The remedies provided in the Family Violence  
21 Protection Act are in addition to any other civil or criminal  
22 remedy available to the protected party or the state."

23           SECTION 11. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2013. \_\_\_\_\_