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HOUSE BILL 52

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Joanne J. Ferrary

AN ACT

RELATING TO DOMESTIC VIOLENCE; RECOGNIZING HARM OR THREATENED
HARM TO COMPANION ANIMALS AS DOMESTIC ABUSE.

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

SECTION 1. Section 40-13-2 NMSA 1978 (being Laws 1987,
Chapter 286, Section 2, as amended) is amended to read:

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

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

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

C. "court" means the district court of the judicial
district where an alleged victim of domestic abuse resides or

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1 is found;

2 D. "domestic abuse":

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

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

7 (a) physical harm;

8 (b) severe emotional distress;

9 (c) bodily injury or assault;

10 (d) a threat causing imminent fear of
11 bodily injury by any household member;

12 (e) criminal trespass;

13 (f) criminal damage to property;

14 (g) repeatedly driving by a residence or
15 work place;

16 (h) telephone harassment;

17 (i) harassment;

18 (j) strangulation;

19 (k) suffocation; or

20 (l) harm or threatened harm to children
21 as set forth in this paragraph; ~~and~~

22 (3) means an incident by a household member
23 consisting of or resulting in the act or threat of:

24 (a) intentionally or maliciously
25 torturing, mutilating, injuring or poisoning a companion

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1 animal; or

2 (b) maliciously killing a companion

3 animal; and

4 [~~(3)~~] (4) does not mean the use of force in
5 self-defense or the defense of another;

6 E. "household member" means a spouse, former
7 spouse, parent, present or former stepparent, present or former
8 [~~parent-in-law~~] parent-in-law, grandparent, grandparent-in-law,
9 child, stepchild, grandchild, co-parent of a child or a person
10 with whom the petitioner has had a continuing personal
11 relationship. Cohabitation is not necessary to be deemed a
12 household member for purposes of this section;

13 F. "mutual order of protection" means an order of
14 protection that includes provisions that protect both parties;

15 G. "order of protection" means an injunction or a
16 restraining or other court order granted for the protection of
17 a victim of domestic abuse;

18 H. "protected party" means a person protected by an
19 order of protection;

20 I. "restrained party" means a person who is
21 restrained by an order of protection;

22 J. "strangulation" has the same meaning as set
23 forth in Section 30-3-11 NMSA 1978; and

24 K. "suffocation" has the same meaning as set forth
25 in Section 30-3-11 NMSA 1978."

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