

1 HOUSE BILL 282

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Stefani Lord

5
6
7
8
9
10 AN ACT

11 RELATING TO ORDERS OF PROTECTION; PROVIDING FOR PERMANENT
12 ORDERS OF PROTECTION FOR VICTIMS OF CERTAIN FELONY OFFENSES;
13 PROVIDING PENALTIES.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. [NEW MATERIAL] PERMANENT ORDERS OF PROTECTION
17 FOR VICTIMS OF CERTAIN FELONY OFFENSES.--

18 A. A victim of any of the following felony offenses
19 may petition the court for a permanent order of protection
20 against an offender who was convicted of:

21 (1) assault, pursuant to Sections 30-3-1
22 through 30-3-20 NMSA 1978;

23 (2) attempted murder, pursuant to Section
24 30-2-1 NMSA 1978;

25 (3) kidnapping, pursuant to Sections 30-4-1

.224149.1

underscored material = new
[bracketed material] = delete

1 through 30-4-4 NMSA 1978;

2 (4) sexual offenses, pursuant to Sections
3 30-9-1 through 30-9-21 NMSA 1978; or

4 (5) sexual exploitation of children, pursuant
5 to the Sexual Exploitation of Children Act.

6 B. The petition shall be made under oath or shall
7 be accompanied by a sworn affidavit setting out specific facts
8 showing the petitioner is a victim and the respondent has been
9 found guilty of a felony listed in Subsection A of this
10 section.

11 C. The court shall cause a copy of the petition and
12 notice of hearing to be served upon the respondent at least
13 five days prior to the hearing.

14 D. Standard simplified petition forms with
15 instructions for completion shall be available to all parties.
16 Law enforcement agencies shall keep such forms and make them
17 available upon request to alleged victims of qualified crimes
18 listed in Subsection A of this section.

19 E. A petition filed by an unemancipated minor shall
20 be signed by:

- 21 (1) one of the unemancipated minor's parents;
22 (2) the unemancipated minor's legal guardian;
23 (3) the unemancipated minor's guardian ad
24 litem; or
25 (4) a caseworker at a not-for-profit

1 organization that receives funds for family violence and child
2 abuse prevention and shelters; provided, however, a petition
3 filed under this paragraph may not be filed against the
4 unemancipated minor's parent or legal guardian.

5 F. Unless the court finds that the action would
6 create a threat of serious harm to the unemancipated minor, the
7 petition filed by an unemancipated minor and notice of hearing
8 shall also be served on the parents of the unemancipated minor,
9 or if the parents are not living together and jointly caring
10 for the unemancipated minor, upon the primary residential
11 parent.

12 G. At the hearing on the petition, the court shall
13 issue a permanent order of protection that remains in effect
14 until the death of the petitioner or respondent if the
15 petitioner has proved that the respondent was convicted of one
16 of the offenses listed in Subsection A of this section and that
17 the petitioner was a victim of the offense.

18 H. A permanent order of protection shall:

19 (1) include a statement that the respondent
20 shall not initiate contact with the petitioner, either directly
21 or indirectly, for any purpose;

22 (2) include a statement of the maximum penalty
23 that may be imposed for violating a permanent order of
24 protection; and

25 (3) be valid and enforceable in any county of

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

1 the state.

2 I. An arrest for violation of a permanent order of
3 protection may be made without a warrant if:

4 (1) the law enforcement officer has proper
5 jurisdiction over the area in which the violation occurred;

6 (2) the law enforcement officer has reasonable
7 cause to believe the respondent violated or is in violation of
8 a permanent order of protection; and

9 (3) the law enforcement officer has verified a
10 permanent order of protection is in effect against the
11 respondent.

12 J. Whoever violates the conditions of a permanent
13 order of protection is guilty of a misdemeanor and shall be
14 sentenced in accordance with the provisions of Section 31-19-1
15 NMSA 1978.