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HOUSE BILL 61

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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and Joshua N. Hernandez

AN ACT

RELATING TO CRIME; INCREASING THE PENALTY FOR AGGRAVATED
BATTERY UPON A PEACE OFFICER.

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

SECTION 1. Section 30-22-25 NMSA 1978 (being Laws 1971,
Chapter 265, Section 5) is amended to read:

"30-22-25. AGGRAVATED BATTERY UPON A PEACE OFFICER.--

A. Aggravated battery upon a peace officer consists
of the unlawful touching or application of force to the person
of a peace officer with intent to injure that peace officer
while ~~[he]~~ the officer is in the lawful discharge of ~~[his]~~ the
officer's duties.

B. Whoever commits aggravated battery upon a peace
officer, inflicting an injury to the peace officer ~~[which]~~ that
is not likely to cause death or great bodily harm, but does

.232219.1

1 cause painful temporary disfigurement or temporary loss or
2 impairment of the functions of any member or organ of the body,
3 is guilty of a fourth degree felony.

4 C. Whoever commits aggravated battery upon a peace
5 officer inflicting great bodily harm, or does so with a deadly
6 weapon or in any manner whereby great bodily harm or death can
7 be inflicted, is guilty of a [~~third~~] second degree felony."

8 SECTION 2. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2026.

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