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HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CIVIL COMPROMISE; ALLOWING FOR A PERSON INJURED BY
A CRIMINAL ACT FOR WHICH THERE IS A CIVIL REMEDY TO COMPROMISE
THE CHARGE THROUGH SETTLEMENT PAID TO THE VICTIM OF THE CRIME;
MAKING EXCEPTIONS.

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

SECTION 1. [NEW MATERIAL] CIVIL COMPROMISE--EXCEPTIONS.--

A. When a person injured by an act constituting
criminal conduct has a remedy to the injury through a civil
action, the criminal offense may be compromised, as provided in
Subsection B of this section, except when the criminal act is
committed:

(1) by or upon a peace officer, while in the
execution of the peace officer's duties;

(2) with an intent to commit a violent felony,

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

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

- 1 as defined in Section 31-18-23 NMSA 1978;
- 2 (3) in violation of a court order, as defined
- 3 in the Family Violence Protection Act;
- 4 (4) by or upon a household member, as defined
- 5 in the Family Violence Protection Act;
- 6 (5) upon someone sixty years of age or older;
- 7 (6) upon someone less than eighteen years of
- 8 age or younger; or
- 9 (7) by a defendant who has a prior violent
- 10 felony conviction, as defined in Section 31-18-23 NMSA 1978.

11 B. If the person injured appears in person or by
12 affidavit before the court in which the action for the criminal
13 offense is pending at any time before trial and acknowledges
14 that the injured person has received satisfaction for the
15 injury, the court may order all proceedings to be stayed upon
16 the prosecution and dismiss the case. The reasons for the
17 order must be set forth in a written order. The order is a bar
18 to another prosecution for the same offense.