

FORTY-FIFTH LEGISLATURE
SECOND SESSION, 2002

HB 242/a

February 9, 2002

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 242

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 1, strike lines 11 through 17 in their entirety
and insert in lieu thereof:

"RELATING TO DOMESTIC ABUSE; PROVIDING FOR FORBEARANCE OF
COSTS FOR FILING OF CRIMINAL CHARGES FOR VICTIMS OF DOMESTIC
ABUSE; CLARIFYING POLICY REGARDING DUAL ARRESTS IN DOMESTIC ABUSE
INCIDENTS; PROVIDING FOR TRAINING FOR POLICE OFFICERS; DECLARING
AN EMERGENCY."

2. On page 2, strike lines 9 through 22 in their entirety and
insert in lieu thereof the following new subsection:

"B. The provisions of Subsection A of this section apply
to alleged victims of domestic abuse as defined in Section 40-13-2
NMSA 1978 and:

(1) sexual offenses described in Sections 30-9-11
through 30-9-14 and 30-9-14.3 NMSA 1978;

(2) crimes against household members described in
Sections 30-3-12 through 30-3-16 NMSA 1978;

(3) harassment, stalking and aggravated stalking
described in Sections 30-3A-2 through 30-3A-3.1 NMSA 1978; and

FORTY-FIFTH LEGISLATURE
SECOND SESSION, 2002

SJC/HB 242

Page 2

(4) the violation of an order of protection described in Subsection E of Section 40-13-6 NMSA 1978."".

3. On pages 2 through 4, strike Sections 2 and 3 in their entirety and insert in lieu thereof the following new sections:

"Section 2. A new section of the Family Violence Protection Act is enacted to read:

"[NEW MATERIAL] LEGISLATIVE FINDINGS--STATE POLICY--DUAL ARRESTS.--The legislature finds that domestic abuse incidents are complex and require special training on the part of law enforcement officers to respond appropriately to domestic abuse incidents. The state of New Mexico discourages dual arrests of persons involved in incidents of domestic abuse. A law enforcement officer, in making arrests for domestic abuse, shall seek to identify and shall consider whether one of the parties acted in self defense."

Section 3. A new section of the Law Enforcement Training Act is enacted to read:

"[NEW MATERIAL] DOMESTIC ABUSE INCIDENT TRAINING.--Domestic abuse incident training shall be included in the curriculum of each basic law enforcement training class. Domestic abuse incident training shall be included as a component of in-service training each year for certified police officers."".

FORTY-FIFTH LEGISLATURE
SECOND SESSION, 2002

SJC/HB 242

Page 3

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Aragon

Absent: None

H0242JU1

.141554.1