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AN ACT

RELATING TO DOMESTIC VIOLENCE; INCREASING THE PERIOD OF
PROBATION FOR CERTAIN DOMESTIC VIOLENCE OFFENDERS.

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

Section 1. Section 30-3-15 NMSA 1978 (being Laws 1995,
Chapter 221, Section 6, as amended) is amended to read:

"30-3-15. BATTERY AGAINST A HOUSEHOLD MEMBER.--

A. Battery against a household member consists of
the unlawful, intentional touching or application of force to
the person of a household member, when done in a rude,
insolent or angry manner.

B. Whoever commits battery against a household
member is guilty of a misdemeanor.

C. Upon conviction pursuant to this section, an
offender shall be required to participate in and complete a
domestic violence offender treatment program approved by the
children, youth and families department pursuant to rules
promulgated by the department that define the criteria for
such programs.

D. Notwithstanding any provision of law to the
contrary, if a sentence imposed pursuant to this section is
suspended or deferred in whole or in part, the period of
probation may extend beyond three hundred sixty-four days but
may not exceed two years. If an offender violates a condition

1 of probation, the court may impose any sentence that the
2 court could originally have imposed and credit shall not be
3 given for time served by the offender on probation; provided
4 that the total period of incarceration may not exceed three
5 hundred sixty-four days and the combined period of
6 incarceration and probation may not exceed two years."

7 Section 2. Section 30-3-16 NMSA 1978 (being Laws 1995,
8 Chapter 221, Section 7) is amended to read:

9 "30-3-16. AGGRAVATED BATTERY AGAINST A HOUSEHOLD
10 MEMBER.--

11 A. Aggravated battery against a household member
12 consists of the unlawful touching or application of force to
13 the person of a household member with intent to injure that
14 person or another.

15 B. Whoever commits aggravated battery against a
16 household member by inflicting an injury to that person that
17 is not likely to cause death or great bodily harm, but that
18 does cause painful temporary disfigurement or temporary loss
19 or impairment of the functions of any member or organ of the
20 body, is guilty of a misdemeanor.

21 C. Whoever commits aggravated battery against a
22 household member by inflicting great bodily harm or doing so
23 with a deadly weapon or doing so in any manner whereby great
24 bodily harm or death can be inflicted is guilty of a third
25 degree felony.

1 D. Upon conviction pursuant to Subsection B of
2 this section, an offender shall be required to participate in
3 and complete a domestic violence offender treatment program
4 approved by the children, youth and families department
5 pursuant to rules promulgated by the department that define
6 the criteria for such programs.

7 E. Notwithstanding any provision of law to the
8 contrary, if a sentence imposed pursuant to the provisions of
9 Subsection B of this section is suspended or deferred in
10 whole or in part, the period of probation may extend beyond
11 three hundred sixty-four days but may not exceed two years.
12 If an offender violates a condition of probation, the court
13 may impose any sentence that the court could originally have
14 imposed and credit shall not be given for time served by the
15 offender on probation; provided that the total period of
16 incarceration may not exceed three hundred sixty-four days
17 and the combined period of incarceration and probation may
18 not exceed two years."

19 Section 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2007. _____