

1 HOUSE BILL 279

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Greg Nibert and Monica Youngblood and William "Bill" R. Rehm

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; CONFIRMING SOVEREIGN IMMUNITY OF
12 LAW ENFORCEMENT OFFICERS UNDER CERTAIN CONDITIONS.

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

15 SECTION 1. Section 41-4-12 NMSA 1978 (being Laws 1976,
16 Chapter 58, Section 12, as amended) is amended to read:

17 "41-4-12. LIABILITY--LAW ENFORCEMENT OFFICERS.--

18 A. The immunity granted pursuant to Subsection A of
19 Section [~~5-14-4 NMSA 1953~~] 41-4-4 NMSA 1978 does not apply to
20 liability for personal injury, bodily injury, wrongful death or
21 property damage resulting from assault, battery, false
22 imprisonment, false arrest, malicious prosecution, abuse of
23 process, libel, slander, defamation of character, violation of
24 property rights or deprivation of any rights, privileges or
25 immunities secured by the constitution and laws of the United

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underscored material = new
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underscored material = new
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1 States or New Mexico when ~~caused~~ committed by law enforcement
2 officers while acting within the scope of their duties.

3 B. The immunity granted pursuant to Subsection A of
4 Section 41-4-4 NMSA 1978 applies if a court determines that the
5 officer's conduct did not violate clearly established statutory
6 or constitutional rights of which a reasonable person would
7 have known."