

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE BILL 920**

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

**INTRODUCED BY**

**Raymond G. Sanchez**

**AN ACT**

**RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.**

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

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5  
6 February 27, 1999

7  
8 Mr. Speaker:

9  
10 Your JUDICIARY COMMITTEE, to whom has been referred

11  
12 HOUSE BILL 920

13  
14 has had it under consideration and reports same with  
15 recommendation that it DO NOT PASS, but that

16  
17 HOUSE JUDICIARY COMMITTEE SUBSTITUTE  
18 FOR HOUSE BILL 920

19 DO PASS.  
20  
21  
22  
23  
24  
25

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 920

Page 3

Respectfully submitted,

\_\_\_\_\_  
R. David Pederson, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Luna, T. Taylor, Sanchez

Absent: None

J:\99Billswp\H0920

underscored material = new  
[bracketed material] = delete

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 920

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
INCREASING PENALTIES FOR ASSAULT AND BATTERY OFFENSES AGAINST  
HOUSEHOLD MEMBERS.

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

Section 1. Section 30-3-12 NMSA 1978 (being Laws 1995,  
Chapter 221, Section 3) is amended to read:

"30-3-12. ASSAULT AGAINST A HOUSEHOLD MEMBER. --

A. Assault against a household member consists of:

(1) an attempt to commit a battery against a  
household member; or

(2) any unlawful act, threat or menacing  
conduct that causes a household member to reasonably believe  
that he is in danger of receiving an immediate battery.

B. Whoever commits assault against a household  
member is guilty of a [petty] misdemeanor."

Section 2. Section 30-3-15 NMSA 1978 (being Laws 1995,  
Chapter 221, Section 6) is amended to read:

. 128356. 1

"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 [petty] misdemeanor."

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

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

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

B. Whoever commits aggravated battery against a household member by inflicting an injury to that person that is not likely to cause death or great bodily harm, but that does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, is guilty of a [~~misdemeanor~~] fourth degree felony.

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

Section 4. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1999.

underscored material = new  
[bracketed material] = delete