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HOUSE BILL 192

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Daymon Ely

AN ACT

RELATING TO TORTS; CLARIFYING THAT ABATEMENT SHALL NOT APPLY TO ASSAULT OR ASSAULT AND BATTERY CAUSES OF ACTION.

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

SECTION 1. Section 37-2-1 NMSA 1978 (being Laws 1884, Chapter 5, Section 1, as amended) is amended to read:

"37-2-1. ~~[WHAT CAUSES OF ACTION SURVIVE]~~ SURVIVAL OF ACTIONS.--In addition to the causes of action ~~[which]~~ that survive at common law, causes of action for mesne profits or for an injury to real or personal estate or for any deceit or fraud shall also survive, and the action may be brought, notwithstanding the death of the person entitled or liable to the same. The cause of action for wrongful death and the cause of action for personal injuries shall survive the death of the party responsible ~~[therefor]~~ for the death or injuries."

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

