

1 AN ACT
2 RELATING TO DOMESTIC ABUSE; NARROWING THE DEFINITION OF
3 "HOUSEHOLD MEMBER" IN THE CRIMES AGAINST HOUSEHOLD MEMBERS
4 ACT AND THE FAMILY VIOLENCE PROTECTION ACT.
5

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

7 Section 1. Section 30-3-11 NMSA 1978 (being Laws 1995,
8 Chapter 221, Section 2, as amended) is amended to read:

9 "30-3-11. DEFINITIONS.--As used in the Crimes Against
10 Household Members Act:

11 A. "household member" means a spouse, former
12 spouse, parent, present or former stepparent, present or
13 former parent in-law, grandparent, grandparent-in-law, a
14 co-parent of a child or a person with whom a person has had a
15 continuing personal relationship. Cohabitation is not
16 necessary to be deemed a household member for the purposes of
17 the Crimes Against Household Members Act; and

18 B. "continuing personal relationship" means a
19 dating or intimate relationship."

20 Section 2. Section 40-13-2 NMSA 1978 (being Laws 1987,
21 Chapter 286, Section 2, as amended) is amended to read:

22 "40-13-2. DEFINITIONS.--As used in the Family Violence
23 Protection Act:

24 A. "continuing personal relationship" means a
25 dating or intimate relationship;

1 B. "co-parents" means persons who have a child in
2 common, regardless of whether they have been married or have
3 lived together at any time;

4 C. "court" means the district court of the
5 judicial district where an alleged victim of domestic abuse
6 resides or is found;

7 D. "domestic abuse":

8 (1) means an incident of stalking or sexual
9 assault whether committed by a household member or not;

10 (2) means an incident by a household member
11 against another household member consisting of or resulting
12 in:

13 (a) physical harm;

14 (b) severe emotional distress;

15 (c) bodily injury or assault;

16 (d) a threat causing imminent fear of
17 bodily injury by any household member;

18 (e) criminal trespass;

19 (f) criminal damage to property;

20 (g) repeatedly driving by a residence
21 or work place;

22 (h) telephone harassment;

23 (i) harassment; or

24 (j) harm or threatened harm to children
25 as set forth in this paragraph; and

1 (3) does not mean the use of force in
2 self-defense or the defense of another;

3 E. "household member" means a spouse, former
4 spouse, parent, present or former stepparent, present or
5 former parent in-law, grandparent, grandparent-in-law, child,
6 stepchild, grandchild, co-parent of a child or a person with
7 whom the petitioner has had a continuing personal
8 relationship. Cohabitation is not necessary to be deemed a
9 household member for purposes of this section;

10 F. "mutual order of protection" means an order of
11 protection that includes provisions that protect both
12 parties;

13 G. "order of protection" means an injunction or a
14 restraining or other court order granted for the protection
15 of a victim of domestic abuse;

16 H. "protected party" means a person protected by
17 an order of protection; and

18 I. "restrained party" means a person who is
19 restrained by an order of protection."

20 Section 3. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2010. _____