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HOUSE BILL 423

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO DOMESTIC ABUSE; PROVIDING FOR AN ARREST WITHOUT A
WARRANT WHEN EXIGENT CIRCUMSTANCES SUPPORT THAT ARREST.

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

Section 1. Section 31-1-7 NMSA 1978 (being Laws 1979,
Chapter 178, Section 1, as amended) is amended to read:

"31-1-7. ARREST WITHOUT WARRANT--LIABILITY.--

A. Notwithstanding the provisions of any other law
to the contrary, a peace officer may arrest a person and take
that person into custody without a warrant when the officer ~~is~~
~~at the scene of~~ responds to a domestic disturbance and has
probable cause to believe that the person has committed an
assault or a battery upon a household member and exigent
circumstances support making an immediate arrest.

B. As used in this section, "household member"

.165421.1

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

underscoring material = new
[bracketed material] = delete

1 means a spouse; former spouse; family member, including a
2 relative, parent, present or former stepparent, present or
3 former in-law, child or co-parent of a child; or a person with
4 whom the victim has had a continuing personal relationship.
5 Cohabitation is not necessary to be deemed a household member
6 for purposes of this section.

7 [B-] C. No peace officer shall be held criminally
8 or civilly liable for making an arrest pursuant to this
9 section, provided ~~he~~ the officer acts in good faith and
10 without malice.

11 [C-] D. Whether or not an arrest is made pursuant
12 to this section, a peace officer may remain with the victim and
13 assist the victim in getting to a shelter or receiving proper
14 medical attention."

15 Section 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2007.