

<b>LFC Requester:</b>	<b>Kelly Fajardo</b>
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**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 01/14/2016  
**Original**     **Amendment**        **Bill No:** HB86  
**Correction**     **Substitute**   

**Sponsor:** Kelly A. Fajardo    **Agency Code:** 264 (AODA)  
**Short Title:** Arrests without a warrant in domestic violence cases    **Person Writing:** Mary Lynne Newell  
**Title:** \_\_\_\_\_    **Phone:** 5753136890    **Email:** starlight@gilanet.com

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: This bill amends Section 31-1-7 Arrest without a warrant-liability, to eliminate the wording that this applies only to an officer “at the scene of” a domestic disturbance, to add the requirement that the arrest is “reasonably necessary to protect a household member from future domestic abuse”, and to allow this arrest to be made “at the scene of a domestic disturbance or at another location if the arrest is made with reasonable promptness”. It further specifies that “reasonable promptness” is an arrest made within 24 hours after a peace officer is summoned to the scene of a domestic disturbance.

**FISCAL IMPLICATIONS**

None for District Attorneys.

**SIGNIFICANT ISSUES**

This provides welcome guidance for peace officers as to a time frame for making these arrests. However, it should be made clear that the arrest can be made by any office, not just by the peace officer who was initially summoned to the scene.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Officers will continue to use their judgment in making these arrests, but facing challenge in court over the time frame.

**AMENDMENTS**