The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 10

SENATE BILL 510, as amended

Introduced by

SENATOR BILL B. O'NEILL
AN ACT

RELATING TO CRIME VICTIM REPARATIONS; AMENDING AND EXPANDING
THE ENUMERATED CRIMES IN THE CRIME VICTIMS REPARATION ACT;
ALLOWING THE CRIME VICTIMS REPARATION COMMISSION TO EXTEND
THE TIME FOR FILING A CLAIM UPON GOOD CAUSE SHOWN; CREATING A
CRIME VICTIMS REPARATION FEE FOR THOSE CONVICTED OF A
MISDEMEANOR OR FELONY OFFENSE; MAKING AN APPROPRIATION.

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

SECTION 1. Section 31-22-8 NMSA 1978 (being Laws 1981,
Chapter 325, Section 8, as amended) is amended to read:

"31-22-8. CRIMES ENUMERATED.--

A. The crimes to which the Crime Victims
Reparation Act applies and for which reparation to victims
may be made are the following enumerated offenses and all
other offenses in which any enumerated offense is necessarily
included:

(1) arson resulting in bodily injury;

(2) aggravated assault or aggravated
battery;

(3) dangerous use of explosives resulting in
bodily injury;

(4) negligent use of a deadly weapon;

(5) murder;

(6) voluntary manslaughter;"
(7) involuntary manslaughter;
(8) kidnapping;
(9) criminal sexual penetration;
(10) criminal sexual contact of a minor;
(11) homicide by vehicle or great bodily
injury by vehicle, as provided in Section 66-8-101 NMSA 1978;
(12) abandonment or abuse of a child;
(13) aggravated indecent exposure, as
provided in Section 30-9-14.3 NMSA 1978;
(14) stalking;
(15) human trafficking;
(16) assault against a household member; and
(17) battery against a household member.

B. No award shall be made for any loss or damage
to property."

SECTION 2. Section 31-22-14 NMSA 1978 (being Laws 1981,
Chapter 325, Section 14, as amended) is amended to read:
"31-22-14. LIMITATIONS ON AWARD--COLLATERAL RECOVERY--
PRELIMINARY AWARD.--

A. No order for the payment of reparation shall be
made unless application has been made within two years after
the date of the injury or death and the injury or death was
the result of a crime enumerated in Section 31-22-8 NMSA 1978
that had been reported to the police within thirty days after
its occurrence unless a longer period is allowed pursuant to
Subsection F of this section. An application for reparation shall be made within two years after the injury or death, except for minors who are victims of criminal activity under the provisions of Section 30-6-1 NMSA 1978, regarding abandonment or abuse of a child, Section 30-9-11 NMSA 1978, regarding criminal sexual penetration, or Section 30-9-13 NMSA 1978, regarding criminal sexual contact of a minor. The date of incident for minors who are victims of these types of criminal activity shall be the date the victim attains the age of eighteen years or the date that the criminal activity is reported to a law enforcement agency, whichever occurs first. The commission may extend the time for filing an application for good cause shown by a claimant or a victim.

B. No award of reparation shall be in excess of twenty thousand dollars ($20,000) per victim except that the commission may award up to an additional thirty thousand dollars ($30,000) for extraordinary pecuniary losses, if the personal injury to a victim is catastrophic and results in a permanent total disability. The extraordinary losses compensated may include:

(1) loss of wages;

(2) the cost of home health care;

(3) the cost of making a home or automobile accessible;

(4) the cost of training in the use of...
special application; or

(5) job training.

C. Except as provided by Subsection E of this
section, the commission shall deduct from any reparation
awarded any payments received from a collateral source or
from the United States or the state or any of its political
subdivisions for injury or death subject to reparation under
the Crime Victims Reparation Act. If the claimant receives
an award of reparation from the commission and also receives
payment as set forth in the preceding sentence for which no
deduction was made, the claimant shall refund to the state
the lesser of the amount of reparation paid or the sums not
so deducted.

D. If the claimant receives an award of reparation
from the commission and also receives an award pursuant to a
civil judgment arising from a criminal occurrence for which a
reparation award was paid, the claimant shall refund to the
state the amount of the reparation paid to the claimant. The
commission may negotiate a reasonable settlement regarding
repayment of the reparation award if special circumstances
exist.

E. If it appears that a final award of reparation
will be made by the commission, a preliminary award may be
authorized by the director of the commission or the
commission's designee when the commission chair concurs. The
amount of the preliminary award shall be deducted from any
final award made by the commission.

F. The commission may grant a waiver to the
requirement in Subsection A of this section that a crime be
reported to the police within thirty days of its occurrence
for:

(1) a victim of domestic violence or sexual
assault if reported to the police within one hundred eighty
days of the occurrence; or

(2) a crime against a child that was
reported within thirty days of its occurrence to the
children, youth and families department, a domestic violence
or sexual assault service provider, a teacher or a health
care provider; provided that a police report shall be filed
before the commission approves payment."

SECTION 3. A new section of Chapter 31, Article 12 NMSA
1978 is enacted to read:

"CRIME VICTIMS REPARATION FEE.--

A. In addition to any other fees or penalties
collected in a district court, metropolitan court and
magistrate court, those courts shall assess and collect from
a person convicted of a misdemeanor or felony offense a
mandatory crime victims reparation fee. The fee shall be
levied at the time of sentencing in addition to any sentence
required or permitted by law, in accordance with the
following schedule:

(1) a person convicted of a felony shall pay a crime victims reparation fee of seventy-five dollars ($75.00); and

(2) a person convicted of a misdemeanor shall pay a crime victims reparation fee of fifty dollars ($50.00).

B. Crime victim reparation fees shall be deposited in the crime victims reparation fund."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.