

N.M. STAT. ANN. § 30-3A-3. STALKING;  
PENALTIES. (2008)

- A. Stalking consists of a person knowingly pursuing a pattern of conduct that would cause a reasonable person to feel frightened, intimidated or threatened. The alleged stalker must intend to place another person in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint or the alleged stalker must intend to cause a reasonable person to fear for his safety or the safety of a household member. In furtherance of the stalking, the alleged stalker must commit one or more of the following acts on more than one occasion:
- (1) following another person, in a place other than the residence of the alleged stalker;
  - (2) placing another person under surveillance by being present outside that person's residence, school, workplace or motor vehicle or any other place frequented by that person, other than the residence of the alleged stalker; or
  - (3) harassing another person.

LEMUEL L. MARTINEZ

13<sup>TH</sup> Judicial District Attorney



**Cibola County:**

515 High Street, Grants New  
Mexico 87020 (505) 285-4627

**Sandoval County:**

1500 Idalia Road, Bernalillo,  
New Mexico 87004

333 Rio Rancho Blvd. Ste 201,  
Rio Rancho, New Mexico 87124  
(505) 896-3952

**Valencia County:**

101 S. Main Street #201,  
Belen, New Mexico 87002  
(505) 861-0311

*STALKING IS A  
CRIME*



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& SANDOVAL COUNTIES

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- B. As used in this section, "household member" means a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child, or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of this section.
- C. Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.
- D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at his own expense.

- (2) in violation of a court order setting conditions of release and bond;
- (3) when the person is in possession of a deadly weapon; or
- (4) when the victim is less than sixteen years of age.

- B. Whoever commits aggravated stalking is guilty of a fourth degree felony. Upon a second or subsequent conviction, the offender is guilty of a third degree felony.
- C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of aggravated stalking to participate in and complete a program of professional counseling at his own expense.

**N.M. Stat. Ann. § 30-3A-2. Harassment; penalties. (2008)**

- A. Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.
- B. Whoever commits harassment is guilty of a misdemeanor.

**N.M. Stat. Ann. § 30-3A-3.1. Aggravated stalking; penalties. (2008)**

- A. Aggravated stalking consists of stalking perpetrated by a person:
- (1) who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;

**Safety Plan:**

- Do not hesitate to file a compliant with local Police Department.
- Protect your personal information, shred discarded personal documents.
- Keep written record of all communication and incidents.
- Change your travel routes to and from destinations.
- Minimize contact with stalker.

**To report stalking contact your local police department.**

Belen Police Department:  
(505) 865-2039

Grants Police Department:  
(505) 287-2984

Rio Rancho Police Department:  
(505) 891-7227

**Resources:**

Valencia Shelter for Victims of Domestic Violence: 505-565-3100

Roberta's Place Inc. (Cibola County):  
505-287-7724

Haven House (Sandoval County):  
1-800-526-7157

**Website:** <http://www.ncvc.org>