

31-26-3. Definitions.

As used in the Victims of Crime Act:

A. "court" means magistrate court, metropolitan court, children's court, district court, the court of appeals or the supreme court;

B. "criminal offense" means:

- (1) negligent arson resulting in death or bodily injury, as provided in Subsection B of Section 30-17-5 NMSA 1978;
- (2) aggravated arson, as provided in Section 30-17-6 NMSA 1978;
- (3) aggravated assault, as provided in Section 30-3-2 NMSA 1978;
- (4) aggravated battery, as provided in Section 30-3-5 NMSA 1978;
- (5) dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978;
- (6) negligent use of a deadly weapon, as provided in Section 30-7-4 NMSA 1978;
- (7) murder, as provided in Section 30-2-1 NMSA 1978;
- (8) voluntary manslaughter, as provided in Section 30-2-3 NMSA 1978;
- (9) involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978;
- (10) kidnapping, as provided in Section 30-4-1 NMSA 1978;
- (11) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;
- (12) criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;
- (13) armed robbery, as provided in Section 30-16-2 NMSA 1978;
- (14) homicide by vehicle, as provided in Section 66-8-101 NMSA 1978;
- (15) great bodily injury by vehicle, as provided in Section 66-8-101 NMSA 1978;
- (16) abandonment or abuse of a child, as provided in Section 30-6-1 NMSA 1978;
- (17) stalking or aggravated stalking, as provided in the Harassment and Stalking Act [Chapter 30, Article 3A NMSA 1978];
- (18) aggravated assault against a household member, as provided in Section 30-3-13 NMSA 1978;
- (19) assault against a household member with intent to commit a violent felony, as provided in

Section **30-3-14** NMSA 1978;

(20) battery against a household member, as provided in Section **30-3-15** NMSA 1978; or

(21) aggravated battery against a household member, as provided in Section **30-3-16** NMSA 1978;

C. "court proceeding" means a hearing, argument or other action scheduled by and held before a court;

D. "family member" means a spouse, child, sibling, parent or grandparent;

E. "formally charged" means the filing of an indictment, the filing of a criminal information pursuant to a bind-over order, the filing of a petition or the setting of a preliminary hearing;

F. "victim" means an individual against whom a criminal offense is committed. "Victim" also means a family member or a victim's representative when the individual against whom a criminal offense was committed is a minor, is incompetent or is a homicide victim; and

G. "victim's representative" means an individual designated by a victim or appointed by the court to act in the best interests of the victim.

History: **Laws 1994, ch. 144, § 3; 1997, ch. 10, § 6; 2003, ch. 411, § 1.**

ANNOTATIONS

The 2003 amendment, effective July 1, 2003, inserted "Harassment and" in Paragraph B(17) and added Paragraphs B(18) to (21).

The 1997 amendment, effective July 1, 1997, inserted "negligent" and "death or" in Paragraph B(1), substituted "kidnapping" for "kidnaping" in Paragraph B(10), added Paragraph B(13) and redesignated the remaining paragraphs, and added Paragraph B(17).

Victim advocates. — Because victim advocates perform many tasks similar to those of other members of the prosecution, even if some of their duties differ, victim advocates are part of the prosecution team and the relevant rules of attorney-client confidentiality and state disclosure are applicable. *State v. Blackmer*, **2005-NMSC-008, 137 N.M. 258, 110 P.3d 66.**