

Liability: Public Employee

NM Stat. Ann. 41-4-4(A)

A public or governmental employee acting within the scope of their duty, will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm or for causing injury, death, or damage while operating a motor vehicle.

Granting immunity from tort liability; authorizing exceptions

A. A governmental entity and any public employee while acting within the scope of duty are granted immunity from liability for any tort except as waived by the New Mexico Religious Freedom Restoration Act [28-22-1 NMSA 1978] and by Sections 41-4-5 through 41-4-12 NMSA 1978. Waiver of this immunity shall be limited to and governed by the provisions of Sections 41-4-13 through 41-4-25 NMSA 1978, but the waiver of immunity provided in those sections does not waive immunity granted pursuant to the Governmental Immunity Act [41-13-1 NMSA 1978].