

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 79

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR THE ALTERATION OF A  
BASIC SENTENCE WHEN A CRIME IS MOTIVATED BY HATE AGAINST A LAW  
ENFORCEMENT OFFICER, OR A FIREFIGHTER OR AN EMERGENCY MEDICAL  
TECHNICIAN UNDER CERTAIN CIRCUMSTANCES; AMENDING THE HATE  
CRIMES ACT.

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

SECTION 1. Section 31-18B-1 NMSA 1978 (being Laws 2003,  
Chapter 384, Section 1) is amended to read:

"31-18B-1. SHORT TITLE.--~~[This act]~~ Chapter 31, Article  
18B NMSA 1978 may be cited as the "Hate Crimes Act"."

SECTION 2. Section 31-18B-2 NMSA 1978 (being Laws 2003,  
Chapter 384, Section 2, as amended) is amended to read:

"31-18B-2. DEFINITIONS.--As used in the Hate Crimes Act:

A. "age" means sixty years of age or older;

underscored material = new  
[bracketed material] = delete

1           B. "gender identity" means a person's self-  
2 perception, or perception of that person by another, of the  
3 person's identity as a male or female based upon the person's  
4 appearance, behavior or physical characteristics that are in  
5 accord or opposed to the person's physical anatomy, chromosomal  
6 sex or sex at birth;

7           C. "disability" means that the person has a  
8 physical or mental disability that substantially limits one or  
9 more of that person's functions, such as caring for oneself,  
10 performing manual tasks, walking, seeing, hearing, speaking,  
11 breathing, learning and working;

12           D. "motivated by hate" means the commission of a  
13 crime with the intent to commit the crime because of the actual  
14 or perceived race; religion; color; national origin; ancestry;  
15 age; ~~[handicapped status]~~ disability; status as a law  
16 enforcement officer; status as a firefighter or an emergency  
17 medical technician when the person is on duty as a firefighter  
18 or an emergency medical technician; gender; sexual orientation;  
19 or gender identity of the victim, whether or not the offender's  
20 belief or perception was correct; and

21           E. "sexual orientation" means heterosexuality,  
22 homosexuality or bisexuality, whether actual or perceived."

23           **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
24 provisions of this act is July 1, 2017.