

1 SENATE BILL 182
2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY
4 Joseph Cervantes
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10 AN ACT

11 RELATING TO CRIME; CREATING THE CRIME OF THREATENING A PUBLIC
12 OFFICIAL.
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 30-20-13 NMSA 1978 (being Laws 1970,
16 Chapter 86, Section 2, as amended) is amended to read:

17 "30-20-13. THREATENING A PUBLIC OFFICIAL--INTERFERENCE
18 WITH MEMBERS OF STAFF, PUBLIC OFFICIALS OR THE GENERAL PUBLIC--
19 TRESPASS--DAMAGE TO PROPERTY--MISDEMEANORS--PENALTIES.--

20 A. No person shall threaten a public official with
21 the intent to:

22 (1) cause actual harm to the public official;

23 (2) place the public official in fear of great
24 bodily harm; or

25 (3) prevent or interrupt the ability to carry

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1 out the public official's job duties.

2 [A-] B. No person shall, at or in any building or
3 other facility or property owned, operated or controlled by the
4 state or any of its political subdivisions, willfully deny to
5 staff, public officials or the general public:

6 (1) lawful freedom of movement within the
7 building or facility or the land on which it is situated;

8 (2) lawful use of the building or facility or
9 the land on which it is situated; or

10 (3) the right of lawful ingress and egress to
11 the building or facility or the land on which it is situated.

12 [B-] C. No person shall, at or in any building or
13 other facility or property owned, operated or controlled by the
14 state or any of its political [~~subdivision~~] subdivisions,
15 willfully impede the staff or a public official or a member of
16 the general public through the use of restraint, abduction,
17 coercion or intimidation or when force and violence are present
18 or threatened.

19 [C-] D. No person shall willfully refuse or fail to
20 leave the property of or any building or other facility owned,
21 operated or controlled by the state or any of its political
22 subdivisions when requested to do so by a lawful custodian of
23 the building, facility or property if the person is committing,
24 threatens to commit or incites others to commit any act [~~which~~]
25 that would disrupt, impair, interfere with or obstruct the

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1 lawful mission, processes, procedures or functions of the
2 property, building or facility.

3 ~~[D-]~~ E. No person shall willfully interfere with
4 the educational process of any public or private school by
5 committing, threatening to commit or inciting others to commit
6 any act ~~[which]~~ that would disrupt, impair, interfere with or
7 obstruct the lawful mission, processes, procedures or functions
8 of a public or private school.

9 ~~[E-]~~ F. Nothing in this section shall be construed
10 to prevent lawful assembly and peaceful and orderly petition
11 for the redress of grievances, including any labor dispute.

12 ~~[F-]~~ G. Any person who violates any of the
13 provisions of this section shall be deemed guilty of a petty
14 misdemeanor.

15 H. As used in this section, "public official" means
16 a person elected to an office of the executive or legislative
17 branch of the state, a person elected or appointed to an office
18 in a political subdivision of the state, a person appointed to
19 a public agency, a judge or a supreme court justice."