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SENATE BILL 221

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO CRIME; CREATING THE CRIME OF MISAPPROPRIATION OF A PETROLEUM PRODUCT OR OIL AND GAS EQUIPMENT; ADDING THE CRIME OF MISAPPROPRIATION OF A PETROLEUM PRODUCT OR OIL AND GAS EQUIPMENT TO THE DEFINITION OF "RACKETEERING"; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Criminal Code, Section 30-16-49 NMSA 1978, is enacted to read:

"30-16-49. [NEW MATERIAL] MISAPPROPRIATION OF A PETROLEUM PRODUCT OR OIL AND GAS EQUIPMENT.--

A. Misappropriation of a petroleum product or oil and gas equipment consists of a person:

(1) taking, acquiring or exercising control over a petroleum product or oil and gas equipment without the

1 owner's consent and with the intent to deprive the owner of the
2 petroleum product or oil and gas equipment by:

3 (a) possessing, removing, receiving,
4 purchasing, selling, disposing, concealing, delivering or
5 transporting the petroleum product or oil and gas equipment; or

6 (b) making or causing a connection to be
7 made with, or drilling or tapping or causing a hole to be
8 drilled or tapped in, a pipe, pipeline or tank used to store or
9 transport a petroleum product;

10 (2) transporting to a waste facility a
11 petroleum product for which the person cannot identify the
12 petroleum product's owner;

13 (3) purchasing a petroleum product from a
14 person not authorized by the oil conservation division of the
15 energy, minerals and natural resources department to sell the
16 petroleum product; or

17 (4) storing, delivering, purchasing or trading
18 a petroleum product for financial benefit by using a method not
19 authorized by the oil conservation division.

20 B. Whoever commits misappropriation of a petroleum
21 product or oil and gas equipment when the aggregate value of
22 the petroleum product or oil and gas equipment is:

23 (1) five hundred dollars (\$500) or less is
24 guilty of a fourth degree felony;

25 (2) greater than five hundred dollars (\$500)

1 but not greater than two thousand five hundred dollars (\$2,500)
2 is guilty of a third degree felony; or

3 (3) greater than two thousand five hundred
4 dollars (\$2,500) is guilty of a second degree felony.

5 C. When an individual has engaged in
6 misappropriation of a petroleum product or oil and gas
7 equipment more than once within a six-month period, whether
8 from one or multiple properties in one or multiple counties,
9 the prosecution may charge the individual under this section
10 either:

11 (1) in separate counts based on the value of
12 petroleum products or oil and gas equipment misappropriated in
13 each occurrence from a single property; or

14 (2) in a single count based on the aggregated
15 value of all petroleum products and oil and gas equipment
16 misappropriated during that six-month period. If the
17 misappropriations occurred in different counties, venue shall
18 be proper in any county in which the petroleum products or oil
19 and gas equipment were misappropriated.

20 D. The penalties pursuant to this section are
21 separate and distinct from those authorized in Section 70-2-31
22 NMSA 1978.

23 E. As used in this section:

24 (1) "oil and gas equipment" means machinery,
25 drilling equipment, welding equipment, tools, pipeline

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1 equipment, fittings, hardware, pumps, vehicles or other
2 equipment and materials that are part of or incident to the
3 exploration, development, maintenance and operation of oil and
4 gas properties, including supervisory control and data
5 acquisition monitoring equipment, oil and gas wells, oil and
6 gas leases, gasoline plants and refineries; and

7 (2) "petroleum product" means crude petroleum
8 oil, any commodity or substance made or manufactured from crude
9 petroleum oil or natural gas and all derivatives of crude
10 petroleum oil or natural gas, including refined crude oil,
11 crude tops, topped crude, processed crude petroleum, residue
12 from crude petroleum, cracking stock, uncracked fuel oil,
13 treated crude oil, fuel oil, residuum, gas oil, naphtha,
14 distillate, gasoline, kerosene, benzine, wash oil, waste oil,
15 lubricating oil and blends or mixtures of crude petroleum oil
16 or natural gas or any derivative thereof, sediment, water or
17 brine used or extracted in the production of oil and gas."

18 SECTION 2. Section 30-42-3 NMSA 1978 (being Laws 1980,
19 Chapter 40, Section 3, as amended) is amended to read:

20 "30-42-3. DEFINITIONS.--As used in the Racketeering Act:

21 A. "racketeering" means any act that is chargeable
22 or indictable under the laws of New Mexico and punishable by
23 imprisonment for more than one year, involving any of the
24 following cited offenses:

25 (1) murder, as provided in Section 30-2-1 NMSA

1 1978;

2 (2) robbery, as provided in Section 30-16-2

3 NMSA 1978;

4 (3) kidnapping, as provided in Section 30-4-1

5 NMSA 1978;

6 (4) forgery, as provided in Section 30-16-10

7 NMSA 1978;

8 (5) larceny, as provided in Section 30-16-1

9 NMSA 1978;

10 (6) fraud, as provided in Section 30-16-6 NMSA

11 1978;

12 (7) embezzlement, as provided in Section

13 30-16-8 NMSA 1978;

14 (8) receiving stolen property, as provided in

15 Section 30-16-11 NMSA 1978;

16 (9) bribery, as provided in Sections 30-24-1

17 through 30-24-3.1 NMSA 1978;

18 (10) gambling, as provided in Sections

19 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;

20 (11) illegal kickbacks, as provided in

21 Sections 30-41-1 and 30-41-2 NMSA 1978;

22 (12) extortion, as provided in Section 30-16-9

23 NMSA 1978;

24 (13) trafficking in controlled substances, as

25 provided in Section 30-31-20 NMSA 1978;

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1 (14) arson and aggravated arson, as provided
2 in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA
3 1978;

4 (15) promoting prostitution, as provided in
5 Section 30-9-4 NMSA 1978;

6 (16) criminal solicitation, as provided in
7 Section 30-28-3 NMSA 1978;

8 (17) fraudulent securities practices, as
9 provided in the New Mexico Uniform Securities Act;

10 (18) loan sharking, as provided in Sections
11 30-43-1 through 30-43-5 NMSA 1978;

12 (19) distribution of controlled substances or
13 controlled substance analogues, as provided in Sections
14 30-31-21 and 30-31-22 NMSA 1978;

15 (20) money laundering, as provided in Section
16 30-51-4 NMSA 1978;

17 (21) unlawful taking of a vehicle or motor
18 vehicle, as provided in Section 30-16D-1 NMSA 1978;

19 (22) embezzlement of a vehicle or motor
20 vehicle, as provided in Section 30-16D-2 NMSA 1978;

21 (23) fraudulently obtaining a vehicle or motor
22 vehicle, as provided in Section 30-16D-3 NMSA 1978;

23 (24) receiving or transferring stolen vehicles
24 or motor vehicles, as provided in Section 30-16D-4 NMSA 1978;

25 (25) altering or changing the serial number,

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1 engine number, decal or other numbers or marks of a vehicle or
2 motor vehicle, as provided in Section 30-16D-6 NMSA 1978;

3 (26) trafficking cannabis products, as
4 provided in Section 26-2C-28 NMSA 1978;

5 (27) sexual exploitation of children, as
6 provided in Sections 30-6A-3 and 30-6A-4 NMSA 1978;

7 (28) criminal sexual penetration, as provided
8 in Section 30-9-11 NMSA 1978;

9 (29) criminal sexual contact, as provided in
10 Sections 30-9-12 and 30-9-13 NMSA 1978;

11 (30) dog fighting, as provided in Section
12 30-18-9 NMSA 1978;

13 (31) cockfighting, as provided in Section
14 30-18-9 NMSA 1978;

15 (32) bringing contraband into places of
16 imprisonment, as provided in Section 30-22-14 NMSA 1978; ~~and~~

17 (33) human trafficking, as provided in Section
18 30-52-1 NMSA 1978; and

19 (34) misappropriation of a petroleum product
20 or oil and gas equipment, as provided in Section 30-16-49 NMSA
21 1978;

22 B. "person" means an individual or entity capable
23 of holding a legal or beneficial interest in property;

24 C. "enterprise" means a sole proprietorship,
25 partnership, corporation, business, labor union, association or

1 other legal entity or a group of persons associated in fact
2 although not a legal entity, and includes illicit as well as
3 licit entities; and

4 D. "pattern of racketeering activity" means
5 engaging in at least two incidents of racketeering with the
6 intent of accomplishing any of the prohibited activities set
7 forth in Subsections A through D of Section 30-42-4 NMSA 1978;
8 provided at least one of the incidents occurred after February
9 28, 1980 and the last incident occurred within five years after
10 the commission of a prior incident of racketeering."