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HOUSE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF ORGANIZED RETAIL
CRIME; IMPOSING PENALTIES.

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

SECTION 1. A new section of Chapter 30, Article 16 NMSA
1978 is enacted to read:

"~~[NEW MATERIAL]~~ ORGANIZED RETAIL CRIME--PENALTIES.--

A. Organized retail crime consists of one or more
of the following acts committed as part of a concerted effort
with one or more coconspirators or a coordinated plan to
deprive a retailer of merchandise on two or more occasions or
deprive multiple retailers located in the state of merchandise
over the span of one year:

(1) willfully taking possession of merchandise
with the intention of converting the merchandise without paying

underscoring material = new
~~[bracketed material] = delete~~

1 for the merchandise;

2 (2) willfully concealing merchandise with the
3 intention of converting the merchandise without paying for the
4 merchandise;

5 (3) willfully altering a label, price tag or
6 marking upon merchandise with the intention of depriving the
7 retailer of all or some part of the value of the merchandise;
8 or

9 (4) willfully transferring merchandise from
10 the container in or on which the merchandise is displayed to
11 another container with the intention of depriving the retailer
12 of all or some part of the value of the merchandise.

13 B. Whoever commits organized retail crime when the
14 aggregated value of the merchandise taken, concealed, altered
15 or transferred is two hundred fifty dollars (\$250) or less is
16 guilty of a petty misdemeanor.

17 C. Whoever commits organized retail crime when the
18 aggregated value of the merchandise taken, concealed, altered
19 or transferred is over two hundred fifty dollars (\$250) but not
20 more than five hundred dollars (\$500) is guilty of a
21 misdemeanor.

22 D. Whoever commits organized retail crime when the
23 aggregated value of the merchandise taken, concealed, altered
24 or transferred is over five hundred dollars (\$500) but not more
25 than two thousand five hundred dollars (\$2,500) is guilty of a

underscoring material = new
~~[bracketed material] = delete~~

1 fourth degree felony.

2 E. Whoever commits organized retail crime when the
3 aggregated value of the merchandise taken, concealed, altered
4 or transferred is over two thousand five hundred dollars
5 (\$2,500) but not more than twenty thousand dollars (\$20,000) is
6 guilty of a third degree felony.

7 F. Whoever commits organized retail crime when the
8 aggregated value of the merchandise taken, concealed, altered
9 or transferred is over twenty thousand dollars (\$20,000) is
10 guilty of a second degree felony.

11 G. As used in this section:

12 (1) "aggregated value" means the total value
13 of merchandise taken, concealed, altered or transferred from
14 any retailer over the span of one calendar year; and

15 (2) "retailer" means a person or business that
16 sells goods to the public for use or consumption rather than
17 for resale."