

trespass and theft are violations that are committed frequently and can lead to more serious crime.

According to EMNRD the memorial indicates that trespass on public and private property for the purpose of removing natural resources for pecuniary gain is a common violation of law. The memorial recognizes that it is difficult to prosecute violations of natural resource theft. The memorial indicates that law enforcement officers routinely stop drivers for speeding and to check for compliance with the seat belt law or even to search for drugs, but rarely check for proof of ownership of natural resources being transported for sale and that private property owners must rely on public law enforcement agencies to protect property and personal security. The memorial recognizes that trespass and theft of natural resources are frequent violations that can lead to more serious crime.

EMNRD reports the memorial recognizes the need for public law enforcement agencies to be responsive to occurrences of possible trespass and natural resource theft.

The Forestry Division is responsible for investigations pertaining to trespass and the theft of woody material. The authority is identified in the Forest Conservation Act, NMSA 1978 §§68-2-14 and 68-2-22. The Forestry Division works cooperatively and trains other public law enforcement agencies in conducting theft of woody material investigations.

The CPL reports it is responsible for managing approximately 13 million acres of state trust land in New Mexico for the economic benefit of designated beneficiaries. The base for that economic benefit is primarily renewable and nonrenewable resources. On occasion the CPL becomes aware of instances of trespass, unauthorized use, illegal extraction or theft of those resources. In those circumstances when there is sufficient evidence the CPL will move forward aggressively with civil remedies. The agency has very limited capacity to seek criminal sanctions.

ADMINISTRATIVE IMPLICATIONS

According to EMNRD, although implementation of this memorial would have administrative implications, there may be opportunities to exchange ideas and develop solutions that can reduce occurrences of trespass and natural resource theft. EMNRD would expend staff time studying how best to address this issue. The substance and magnitude of these additional duties is unknown, but should be able to be absorbed.

Administratively, the AG's office will need to devote some attorney time to the study required by SJM 19. This memorial also has the ability to impact law enforcement agencies and courts due to a possible increase in arrests and prosecutions resulting from the findings of this study.

OTHER SUBSTANTIVE ISSUES

EMNRD suggests the Department of Public Safety is a law enforcement agency that could assist in identifying cases where natural resources may be transported for sale by unauthorized persons. This agency should be included in this study.

The CPL reports it could benefit from review and reform of statutes governing trespass on public land. Trespass statutes in Chapter 19 should necessarily be an element in the study.

LAT/njw:ar