

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 6

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO CRIMINAL LAW; ALLOWING A SIX-MONTH AGGREGATION OF
CERTAIN FALSE INSURANCE CLAIMS TO DETERMINE PENALTY.

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

Section 1. Section 59A-16-23 NMSA 1978 (being Laws 1984,
Chapter 127, Section 290, as amended) is amended to read:

"59A-16-23. FALSE APPLICATIONS, CLAIMS, PROOFS OF LOSS.--

A. An agent, broker, solicitor, examining
physician, applicant or other person shall not knowingly or
willfully:

(1) make a false or fraudulent statement or
representation as to a material fact in or with reference to an
application for insurance or other coverage;

(2) for the purpose of obtaining money or
benefit, present or cause to be presented a false or fraudulent

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1 claim or proof in support of such a claim for payment of loss
2 under a policy;

3 (3) prepare, make or subscribe a false or
4 fraudulent account, certificate, affidavit or proof of loss or
5 other document with intent that the same may be presented or
6 used in support of such a claim; or

7 (4) make a false or fraudulent statement or
8 representation on or relative to an application for a policy
9 for the purpose of obtaining a fee, commission or benefit from
10 an insurer, agent, broker or individual.

11 B. A false statement or representation made under
12 oath shall constitute and be punishable as perjury.

13 C. A violation of the provisions of this section
14 when the purported loss or potential loss to the victim insurer
15 is:

16 (1) two hundred fifty dollars (\$250) or less
17 is a petty misdemeanor;

18 (2) over two hundred fifty dollars (\$250) but
19 not more than five hundred dollars (\$500) is a misdemeanor;

20 (3) over five hundred dollars (\$500) but not
21 more than two thousand five hundred dollars (\$2,500) is a
22 fourth degree felony;

23 (4) over two thousand five hundred dollars
24 (\$2,500) but not more than twenty thousand dollars (\$20,000) is
25 a third degree felony; or

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1 (5) over twenty thousand dollars (\$20,000) is
2 a second degree felony.

3 D. If ten or more violations of Paragraph (2) or
4 (3) of Subsection A of this section occur within any
5 consecutive six-month period, the amounts of the purported or
6 potential losses resulting from those violations may be
7 aggregated to determine the penalty pursuant to Subsection C of
8 this section."

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