

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
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HOUSE BILL 28

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO CRIMINAL LAW; PROHIBITING INTIMIDATION OF A JUDGE;
PROHIBITING RETALIATION; PROVIDING PENALTIES.

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

Section 1. A new section of the Criminal Code is enacted
to read:

"~~[NEW MATERIAL]~~ INTIMIDATION OF A JUDGE--RETALIATION.--

A. Intimidation of a judge consists of
intentionally engaging in conduct that places a judge in
reasonable apprehension of physical harm with the intent to
influence the judge's exercise of the judge's official
authority.

B. Retaliation against a judge consists of
intentionally causing bodily injury to or damage to the
property of a judge or other person with the intent to

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1 retaliate against the judge for the judge's exercise of the
2 judge's official authority.

3 C. A person who commits intimidation of a judge is
4 guilty of a third degree felony.

5 D. A person who commits retaliation against a judge
6 is guilty of a second degree felony.

7 E. Prosecution pursuant to this section shall not
8 prevent prosecution pursuant to any other provision of law when
9 the conduct also constitutes a violation of that other
10 provision.

11 F. As used in this section, "judge" means a
12 justice, a judge, a magistrate, a domestic violence special
13 commissioner or a judicial hearing officer."

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