

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 378

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO GOVERNMENTAL CONDUCT; SPECIFYING THE CRIMINAL ACTS
THAT QUALIFY AS PUBLIC CORRUPTION OFFENSES; MANDATING POSTING
OF INFORMATION RELATING TO PUBLIC CORRUPTION OFFENSES;
PROVIDING FOR ENHANCEMENT OF A SENTENCE FOR CONVICTION OF A
CRIME DEALING WITH PUBLIC CORRUPTION; BARRING PERSONS CONVICTED
OF PUBLIC CORRUPTION OFFENSES FROM LOBBYING OR ENTERING INTO
CONTRACTS WITH THE STATE; PROVIDING FOR THE FORFEITURE OF
CERTAIN RIGHTS AND BENEFITS UNDER THE STATE RETIREMENT SYSTEMS
UPON CONVICTION OF PUBLIC CORRUPTION OFFENSES; PROVIDING
PENALTIES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 30-16-8 NMSA 1978 (being Laws 1963,
Chapter 303, Section 16-7, as amended) is amended to read:

"30-16-8. EMBEZZLEMENT.--

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1 A. Embezzlement consists of a person embezzling or
2 converting to the person's own use anything of value, with
3 which the person has been entrusted, with fraudulent intent to
4 deprive the owner thereof.

5 B. Whoever commits embezzlement when the value of
6 the thing embezzled or converted is two hundred fifty dollars
7 (\$250) or less is guilty of a petty misdemeanor.

8 C. Whoever commits embezzlement when the value of
9 the thing embezzled or converted is over two hundred fifty
10 dollars (\$250) but not more than five hundred dollars (\$500) is
11 guilty of a misdemeanor.

12 D. Whoever commits embezzlement when the value of
13 the thing embezzled or converted is over five hundred dollars
14 (\$500) but not more than two thousand five hundred dollars
15 (\$2,500) is guilty of a fourth degree felony.

16 E. Whoever commits embezzlement when the value of
17 the thing embezzled or converted is over two thousand five
18 hundred dollars (\$2,500) but not more than twenty thousand
19 dollars (\$20,000) is guilty of a third degree felony.

20 F. Whoever commits embezzlement when the value of
21 the thing embezzled or converted exceeds twenty thousand
22 dollars (\$20,000) is guilty of a second degree felony.

23 G. A person elected or appointed to a position with
24 or employed by a public entity who commits embezzlement against
25 the public entity when the value of the thing embezzled or

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1 converted is over five hundred dollars (\$500) shall have the
 2 basic sentence of imprisonment as provided for in this section
 3 increased by one year and the additional year shall be the
 4 first year served and shall not be suspended or deferred.

5 H. A person convicted under the provisions of this
 6 section shall not, individually or in association with others,
 7 submit a bid to or enter into a contract for services,
 8 construction or items of tangible personal property with a
 9 public entity or act as a lobbyist, as defined in Section
 10 2-11-2 NMSA 1978. Any person who knowingly and willfully
 11 violates the provisions of this subsection is guilty of a third
 12 degree felony.

13 I. As used in this section, "public entity" means
 14 the state or one of its agencies, departments, institutions or
 15 political subdivisions."

16 **SECTION 2.** Section 30-23-2 NMSA 1978 (being Laws 1963,
 17 Chapter 303, Section 23-2) is amended to read:

18 "30-23-2. PAYING OR RECEIVING PUBLIC MONEY FOR SERVICES
 19 NOT RENDERED.--

20 A. Paying or receiving public money for services
 21 not rendered consists of knowingly making or receiving payment
 22 or causing payment to be made from public funds where such
 23 payment purports to be for wages, salary or remuneration for
 24 personal services [~~which~~] that have not in fact been rendered.

25 B. Nothing in this section shall be construed to

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1 prevent the payment of public funds where such payments are
2 intended to cover lawful remuneration to public officers or
3 public employees for vacation periods or absences from
4 employment because of sickness or for other lawfully authorized
5 purposes.

6 C. Whoever commits paying or receiving public money
7 for services not rendered is guilty of a fourth degree felony;
8 provided that, if a person elected to or appointed to a
9 position with or employed by a public entity is convicted of
10 paying or receiving public money for services not rendered, the
11 basic sentence of imprisonment shall be increased by one year
12 and the additional year shall be the first year served and
13 shall not be suspended or deferred.

14 D. A person convicted under the provisions of this
15 section shall not, individually or in association with others,
16 submit a bid to or enter into a contract for services,
17 construction or items of tangible personal property with a
18 public entity or act as a lobbyist, as defined in Section
19 2-11-2 NMSA 1978. Any person who knowingly and willfully
20 violates the provisions of this subsection is guilty of a third
21 degree felony.

22 E. As used in this section, "public entity" means
23 the state or one of its agencies, departments, institutions or
24 political subdivisions."

25 SECTION 3. Section 30-23-3 NMSA 1978 (being Laws 1963,

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1 Chapter 303, Section 23-3, as amended) is amended to read:

2 "30-23-3. MAKING OR PERMITTING FALSE PUBLIC VOUCHER.--

3 A. Making or permitting false public voucher
4 consists of knowingly, intentionally or [~~wilfully~~] willfully
5 making, causing to be made or permitting to be made a false
6 material statement or forged signature upon any public voucher,
7 or invoice supporting a public voucher, with intent that the
8 voucher or invoice shall be relied upon for the expenditure of
9 public money.

10 B. Whoever commits making or permitting false
11 public voucher is guilty of a fourth degree felony; provided
12 that, if a person elected to or appointed to a position with or
13 employed by a public entity is convicted of making or
14 permitting false public voucher, the basic sentence of
15 imprisonment shall be increased by one year and the additional
16 year shall be the first year served and shall not be suspended
17 or deferred.

18 C. A person convicted under the provisions of this
19 section shall not, individually or in association with others,
20 submit a bid to or enter into a contract for services,
21 construction or items of tangible personal property with a
22 public entity or act as a lobbyist, as defined in Section
23 2-11-2 NMSA 1978. Any person who knowingly and willfully
24 violates the provisions of this subsection is guilty of a third
25 degree felony.

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1 D. As used in this section, "public entity" means
2 the state or one of its agencies, departments, institutions or
3 political subdivisions."

4 SECTION 4. Section 30-23-6 NMSA 1978 (being Laws 1963,
5 Chapter 303, Section 23-6) is amended to read:

6 "30-23-6. UNLAWFUL INTEREST IN A PUBLIC CONTRACT.--

7 A. Unlawful interest in a public contract consists
8 of:

9 ~~[A.—any]~~ (1) a public officer or public
10 employee receiving anything of value, directly or indirectly,
11 from either a seller or a seller's agents or a purchaser or a
12 purchaser's agents in connection with the sale or purchase of
13 securities, goods, leases, lands or anything of value by the
14 state or any of its political subdivisions, unless:

15 ~~[(+1)]~~ (a) prior written consent of the
16 head of the department of the state or political subdivision
17 involved in the transaction is obtained and filed as a matter
18 of public record in the office of secretary of state; and

19 ~~[(+2)]~~ (b) subsequent to the transaction,
20 a statement is filed as a matter of public record in the office
21 of secretary of state by the purchaser or seller giving
22 anything of value to a public officer or public employee and
23 this statement contains the date the services were rendered,
24 the amount of remuneration for the rendered services and the
25 nature of the rendered services; and

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1 [~~B. any~~] (2) a seller or [~~his~~] the seller's
 2 agents or a purchaser or [~~his~~] the purchaser's agents offering
 3 to pay or paying anything of value, directly or indirectly, to
 4 a public officer or public employee in connection with the sale
 5 or purchase of securities or goods by the state or any of its
 6 political subdivisions unless the requirements of [~~Paragraphs~~
 7 ~~(1) and (2)~~] Subparagraphs (a) and (b) of Paragraph (1) of
 8 [~~Subsection A of~~] this [~~section~~] subsection are complied with.
 9 [~~Any~~]

10 B. A person violating the provisions of Paragraph
 11 (2) of Subsection [~~B~~] A of this section, where [~~such~~] the
 12 violations [~~forms~~] form the basis for prosecution and
 13 conviction of a public officer or public employee, shall be
 14 disqualified from transacting [~~any~~] business with the state or
 15 its political subdivisions for a period of five years from the
 16 date of [~~such~~] the violation.

17 C. Nothing in this section shall prohibit a public
 18 officer or public employee from receiving [~~his~~] regular
 19 remuneration for services rendered to the state or its
 20 political subdivisions in connection with the aforementioned
 21 transactions.

22 D. Whoever commits unlawful interest in public
 23 contracts where the value received by [~~him~~] the person is fifty
 24 dollars (\$50.00) or less is guilty of a misdemeanor.

25 E. Whoever commits unlawful interest in public

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1 contracts where the value received by [~~him~~] the person is more
2 than fifty dollars (\$50.00) is guilty of a fourth degree
3 felony; provided that the basic sentence of imprisonment shall
4 be increased by one year and the additional year shall be the
5 first year served and shall not be suspended or deferred. A
6 public officer or public employee convicted of a felony
7 [~~hereunder~~] under the provisions of this section is forever
8 disqualified from employment by the state or any of its
9 political subdivisions.

10 F. A person convicted under the provisions of
11 Paragraph (1) or (2) of Subsection A of this section, where the
12 value received by the person is more than fifty dollars
13 (\$50.00), shall not, individually or in association with
14 others, submit a bid to or enter into a contract for services,
15 construction or items of tangible personal property with a
16 public entity or act as a lobbyist, as defined in Section
17 2-11-2 NMSA 1978. Any person who knowingly and willfully
18 violates the provisions of this subsection is guilty of a third
19 degree felony.

20 G. As used in this section, "public entity" means
21 the state or one of its agencies, departments, institutions or
22 political subdivisions."

23 SECTION 5. Section 30-24-1 NMSA 1978 (being Laws 1963,
24 Chapter 303, Section 24-1) is amended to read:

25 "30-24-1. BRIBERY OF PUBLIC OFFICER OR PUBLIC EMPLOYEE.--

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1 A. Bribery of public officer or public employee
 2 consists of any person giving or offering to give, directly or
 3 indirectly, anything of value to any public officer or public
 4 employee, with intent to induce or influence [~~such~~] that
 5 public officer or public employee to:

6 [~~A.~~] (1) give or render any official opinion,
 7 judgment or decree;

8 [~~B.~~] (2) be more favorable to one party than
 9 to the other in any cause, action, suit, election, appointment,
 10 matter or thing pending or to be brought before [~~such~~] that
 11 person;

12 [~~C.~~] (3) procure [~~him~~] the person to vote or
 13 withhold [~~his~~] the person's vote on [~~any~~] a question, matter or
 14 proceeding [~~which~~] that is then or may thereafter be pending,
 15 and [~~which~~] that may by law come or be brought before [~~him~~] the
 16 person in [~~his~~] the person's public capacity;

17 [~~D.~~] (4) execute any of the powers [~~in him~~]
 18 vested in the person; or

19 [~~E.~~] (5) perform [~~any~~] a public duty otherwise
 20 than as required by law, or to delay in or omit to perform
 21 [~~any~~] a public duty required of [~~him~~] the person by law.

22 B. Whoever commits bribery of a public officer or
 23 public employee is guilty of a third degree felony; provided
 24 that, if a person elected to or appointed to a position with or
 25 employed by a public entity is convicted of bribery of a public

1 officer or public employee, the basic sentence of imprisonment
2 shall be increased by one year and the additional year shall be
3 the first year served and shall not be suspended or deferred.

4 C. A person convicted under the provisions of
5 Subsection A of this section shall not, individually or in
6 association with others, submit a bid to or enter into a
7 contract for services, construction or items of tangible
8 personal property with a public entity or act as a lobbyist, as
9 defined in Section 2-11-2 NMSA 1978. Any person who knowingly
10 and willfully violates the provisions of this subsection is
11 guilty of a third degree felony.

12 D. As used in this section, "public entity" means
13 the state or one of its agencies, departments, institutions or
14 political subdivisions."

15 SECTION 6. Section 30-24-2 NMSA 1978 (being Laws 1963,
16 Chapter 303, Section 24-2) is amended to read:

17 "30-24-2. DEMANDING OR RECEIVING BRIBE BY PUBLIC OFFICER
18 OR PUBLIC EMPLOYEE.--

19 A. Demanding or receiving bribe by public officer
20 or public employee consists of any public officer or public
21 employee soliciting or accepting, directly or indirectly,
22 anything of value, with intent to have [his] the officer's or
23 employee's decision or action on any question, matter, cause,
24 proceeding or appointment influenced [~~thereby~~] by the bribe,
25 and which decision or action, by law, is pending or might be

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1 brought before ~~[him]~~ the officer or employee in ~~[his]~~ the
 2 officer's or employee's official capacity.

3 B. Whoever commits demanding or receiving a bribe
 4 by a public officer or public employee is guilty of a third
 5 degree felony ~~[and]~~; provided that the basic sentence of
 6 imprisonment prescribed for the offense shall be increased by
 7 one year and the additional year shall be the first year served
 8 and shall not be suspended or deferred. Upon conviction,
 9 ~~[thereof such]~~ a public officer or public employee shall
 10 forfeit the office then held by ~~[him]~~ the officer or employee.

11 C. A person convicted under the provisions of this
 12 section shall not, individually or in association with others,
 13 submit a bid to or enter into a contract for services,
 14 construction or items of tangible personal property with a
 15 public entity or act as a lobbyist, as defined in Section
 16 2-11-2 NMSA 1978. Any person who knowingly and willfully
 17 violates the provisions of this subsection is guilty of a third
 18 degree felony.

19 D. As used in this section, "public entity" means
 20 the state or one of its agencies, departments, institutions or
 21 political subdivisions."

22 **SECTION 7.** Section 30-41-1 NMSA 1978 (being Laws 1979,
 23 Chapter 384, Section 1) is amended to read:

24 "30-41-1. SOLICITING OR RECEIVING ILLEGAL KICKBACK.--

25 A. Whoever knowingly solicits or receives, ~~[any]~~

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1 directly or indirectly, a remuneration in the form of any
2 kickback, bribe or rebate [~~directly or indirectly, overtly or~~
3 ~~covertly~~] in cash or in kind from a person:

4 [A.] (1) in return for referring an individual
5 to that person for the furnishing or arranging for the
6 furnishing of any item or service for which payment may be made
7 in whole or in part with public money; or

8 [B.] (2) in return for purchasing, leasing,
9 ordering or arranging for or recommending purchasing, leasing
10 or ordering any goods, facilities, services or items for which
11 payment may be made in whole or in part with public money,
12 [~~shall be~~] is guilty of a fourth degree felony; provided that,
13 if a person elected or appointed to a position with or employed
14 by a public entity is convicted of soliciting or receiving
15 illegal kickback, the basic sentence of imprisonment shall be
16 increased by one year and the additional year shall be the
17 first year served and shall not be suspended or deferred.

18 B. A person convicted under the provisions of this
19 section shall not, individually or in association with others,
20 submit a bid to or enter into a contract for services,
21 construction or items of tangible personal property with a
22 public entity or act as a lobbyist, as defined in Section
23 2-11-2 NMSA 1978. Any person who knowingly and willfully
24 violates the provisions of this subsection is guilty of a third
25 degree felony.

1 C. As used in this section:

2 (1) "kickback" means a percentage of income
 3 given to a person in a position of influence as payment for
 4 having made the income possible; and

5 (2) "public entity" means the state or one of
 6 its agencies, departments, institutions or political
 7 subdivisions."

8 SECTION 8. Section 30-41-2 NMSA 1978 (being Laws 1979,
 9 Chapter 384, Section 2) is amended to read:

10 "30-41-2. OFFERING OR PAYING ILLEGAL KICKBACK.--

11 A. Whoever knowingly offers or pays, [~~any~~] directly
 12 or indirectly, a remuneration in the form of any kickback,
 13 bribe or rebate [~~directly or indirectly, overtly or covertly~~]
 14 in cash or in kind to any person to induce such person:

15 [~~A.~~] (1) to refer an individual to a person
 16 for the furnishing or arranging for the furnishing of [~~any~~] an
 17 item or service for which payment may be made in whole or in
 18 part with public money; or

19 [~~B.~~] (2) to purchase, lease, order or arrange
 20 for or recommend purchasing, leasing or ordering any goods,
 21 facilities, services or items for which payment may be made in
 22 whole or in part with public money, shall be guilty of a fourth
 23 degree felony; provided that, if a person elected to or
 24 appointed to a position with or employed by a public entity is
 25 convicted of offering or paying illegal kickback, the basic

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1 sentence of imprisonment shall be increased by one year and the
2 additional year shall be the first year served and shall not be
3 suspended or deferred.

4 B. A person convicted under the provisions of this
5 section shall not, individually or in association with others,
6 submit a bid to or enter into a contract for services,
7 construction or items of tangible personal property with a
8 public entity or act as a lobbyist, as defined in Section
9 2-11-2 NMSA 1978. Any person who knowingly and willfully
10 violates the provisions of this subsection is guilty of a third
11 degree felony.

12 C. As used in this section:

13 (1) "kickback" means a percentage of income
14 given to a person in a position of influence as payment for
15 having made the income possible; and

16 (2) "public entity" means the state or one of
17 its agencies, departments, institutions or political
18 subdivisions."

19 **SECTION 9. [NEW MATERIAL] PUBLICATION AND DISSEMINATION**
20 **OF INFORMATION RELATING TO PUBLIC CORRUPTION OFFENSES AND OTHER**
21 **CORRUPT PRACTICES.--**

22 **A. Every state agency, department, political**
23 **subdivision and institution shall post in a conspicuous place a**
24 **listing of all crimes constituting public corruption offenses**
25 **and other corrupt practices and the penalties associated with**

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1 such crimes.

2 B. As used in this section, "public corruption
3 offense" means:

4 (1) violating the ethical principles of public
5 service, as provided in Subsection D of Section 10-16-3 NMSA
6 1978;

7 (2) taking an official act for personal
8 financial interest, as provided in Section 10-16-4 NMSA 1978;

9 (3) embezzlement, as provided in Section
10 30-16-8 NMSA 1978, provided that the embezzlement is committed
11 by a person elected to or appointed to a position with or
12 employed by the state or one of its agencies, departments,
13 institutions or political subdivisions and the embezzlement is
14 committed against the state or its agency, department,
15 institution or political subdivision;

16 (4) paying or receiving public money for
17 services not rendered, as provided in Section 30-23-2 NMSA
18 1978;

19 (5) making or permitting false public voucher,
20 as provided in Section 30-23-3 NMSA 1978;

21 (6) committing unlawful interest in a public
22 contract, where the value received is more than fifty dollars
23 (\$50.00), as provided in Section 30-23-6 NMSA 1978;

24 (7) committing bribery of public officer or
25 public employee, as provided in Section 30-24-1 NMSA 1978;

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1 (8) demanding or receiving bribe by public
2 officer or employee, as provided in Section 30-24-2 NMSA 1978;

3 (9) tampering with public records, as provided
4 in Section 30-26-1 NMSA 1978;

5 (10) soliciting or receiving illegal kickback,
6 as provided in Section 30-41-1 NMSA 1978; and

7 (11) offering or paying illegal kickback, as
8 provided in Section 30-41-2 NMSA 1978.

9 SECTION 10. [NEW MATERIAL] FORFEITURE OF PENSION FOR
10 PUBLIC CORRUPTION OFFENSES.--

11 A. If, in the adjudication of a public corruption
12 offense in a New Mexico district court, it appears that the
13 defendant is a member or retired member and the alleged
14 corruption relates to, arises out of or is in connection to the
15 member's public office or public employment, the district
16 attorney or attorney general shall, in addition to the felony
17 complaint, file for an order of forfeiture of pension. Upon
18 the filing, the forfeiture of pension proceeding shall be
19 brought in the same proceeding as the criminal matter and
20 presented to the same trier of fact; provided that:

21 (1) the two issues shall be bifurcated;

22 (2) the rules of criminal procedure shall
23 apply in the criminal matter and the rules of civil procedure
24 shall apply in the forfeiture proceeding;

25 (3) if the criminal defendant is represented

1 by the public defender department, the chief public defender or
2 the district public defender may authorize department
3 representation of the defendant in the forfeiture proceeding;
4 and

5 (4) if the state proves by clear and
6 convincing evidence that the defendant is a member or retired
7 member and has been convicted of a public corruption offense
8 that is directly related to, arises out of or is in connection
9 to the member's public office or employment, after determining
10 issues related to community property and child support
11 obligations and issuing orders to that effect, the court may
12 order the forfeiture of the member's or retired member's right
13 to a pension and other retirement benefits from a state system
14 and serve the order upon the appropriate state system.

15 B. After receipt by a state system of an order
16 issued pursuant to Subsection A of this section, pending a
17 final appeal, the state system shall suspend the forfeited
18 member's service credit and, if the forfeited member is a
19 retired member, shall suspend any pension.

20 C. After notification to a state system that an
21 order issued pursuant to Subsection A of this section was not
22 appealed or, upon final appeal, was upheld:

23 (1) except as provided in Paragraph (5) of
24 this subsection, the state system shall revoke the forfeited
25 member's service credit;

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1 (2) if the forfeited member is not currently
2 receiving a pension, except as provided in Paragraph (4) of
3 this subsection, the state system shall refund accumulated
4 member contributions to the forfeited member;

5 (3) if the forfeited member is currently
6 receiving a pension, except as provided in Paragraph (4) or (5)
7 of this subsection, the state system shall cease paying a
8 pension and shall refund any unexpended accumulated member
9 contributions to the forfeited member;

10 (4) if, prior to the order of forfeiture, a
11 court has issued an order pursuant to Section 10-11-136,
12 10-11-136.1, 10-12B-7, 10-12C-7 or 22-11-42 NMSA 1978, or as
13 part of the forfeiture order, orders were issued addressing
14 community property interests or child support obligations, then
15 any action by a state system pursuant to Paragraph (2) or (3)
16 of this subsection shall be in compliance with those court
17 orders; and

18 (5) if the forfeited member is currently
19 receiving a pension from a state system due to previous
20 employment but had subsequently returned to public employment
21 while continuing to receive the pension, the order shall not
22 affect the pension related to the previous employment if the
23 public corruption offense did not arise from conduct related to
24 the previous employment.

25 D. If, on final appeal, the court finding pursuant

1 to Subsection A of this section or the conviction is
2 overturned, the forfeiture order is voided, the attorney
3 general shall notify the state system and the state system
4 shall reinstate the forfeited service credit and pay in full
5 any suspended pension payments.

6 E. If no appeal is made from a court finding
7 pursuant to Subsection A of this section or if, on final
8 appeal, the court finding is upheld, the district attorney or
9 the attorney general shall notify the state system and the
10 state system shall comply with the procedures of Subsection C
11 of this section.

12 F. The provisions of this section apply to crimes
13 committed on or after July 1, 2011.

14 G. As used in this section:

15 (1) "conviction" means a judgment of guilty of
16 a felony or acceptance of a plea of nolo contendere to a public
17 corruption offense by a state or federal court of competent
18 jurisdiction;

19 (2) "forfeited member" means an individual
20 who, under a court order issued pursuant to this section, has
21 forfeited pension rights in a state system;

22 (3) "member" means an individual who is
23 classified as a "member" of a state system pursuant to the laws
24 governing that state system;

25 (4) "member contributions" means the amounts

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1 deducted from a member's salary and credited to the member's
2 account in a state system, together with interest, if any,
3 credited to that account;

4 (5) "public corruption offense" means:

5 (a) embezzlement, as provided in Section
6 30-16-8 NMSA 1978, provided that the embezzlement is committed
7 by a person elected to or appointed to a position with or
8 employed by the state or one of its agencies, departments,
9 institutions or political subdivisions and the embezzlement is
10 committed against the state or its agency, department,
11 institution or political subdivision;

12 (b) paying or receiving public money for
13 services not rendered, as provided in Section 30-23-2 NMSA
14 1978;

15 (c) making or permitting false public
16 voucher, as provided in Section 30-23-3 NMSA 1978;

17 (d) committing unlawful interest in a
18 public contract, where the value received is more than fifty
19 dollars (\$50.00), as provided in Section 30-23-6 NMSA 1978;

20 (e) committing bribery of public officer
21 or public employee, as provided in Section 30-24-1 NMSA 1978;

22 (f) demanding or receiving bribe by a
23 public officer or employee, as provided in Section 30-24-2 NMSA
24 1978;

25 (g) soliciting or receiving an illegal

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1 kickback, as provided in Section 30-41-1 NMSA 1978; and

2 (h) offering or paying an illegal
3 kickback, as provided in Section 30-41-2 NMSA 1978;

4 (6) "public employment" means a position held
5 as an elected or appointed official or as an employee of the
6 state or one of its agencies, departments, institutions or
7 political subdivisions;

8 (7) "retired member" means an individual who
9 has retired and is receiving a pension from a state system; and

10 (8) "state system" means a retirement program
11 provided for in the Educational Retirement Act, the Public
12 Employees Retirement Act, the Magistrate Retirement Act or the
13 Judicial Retirement Act.

14 SECTION 11. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2011.

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[bracketed material] = delete