AN ACT
RELATING TO CRIMINAL LAW; SPECIFYING PROCURING OF AN ABORTION AS TAMPERING WITH EVIDENCE IN CASES OF CRIMINAL SEXUAL PENETRATION OR INCEST.

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

SECTION 1. Section 30-22-5 NMSA 1978 (being Laws 1963, Chapter 303, Section 22-5, as amended) is amended to read:

"30-22-5. TAMPERING WITH EVIDENCE.--

A. Tampering with evidence consists of destroying, changing, hiding, placing or fabricating any physical evidence with intent to prevent the apprehension, prosecution or conviction of any person or to throw suspicion of the commission of a crime upon another.

B. Tampering with evidence shall include procuring or facilitating an abortion, or compelling or coercing another
to obtain an abortion, of a fetus that is the result of
criminal sexual penetration or incest with the intent to
destroy evidence of the crime.

[B-] C. Whoever commits tampering with evidence
shall be punished as follows:

1) if the highest crime for which tampering
with evidence is committed is a capital or first degree felony
or a second degree felony, the person committing tampering with
evidence is guilty of a third degree felony;

2) if the highest crime for which tampering
with evidence is committed is a third degree felony or a fourth
degree felony, the person committing tampering with evidence is
guilty of a fourth degree felony;

3) if the highest crime for which tampering
with evidence is committed is a misdemeanor or a petty
misdemeanor, the person committing tampering with evidence is
guilty of a petty misdemeanor; and

4) if the highest crime for which tampering
with evidence is committed is indeterminate, the person
committing tampering with evidence is guilty of a fourth degree
felony."

SECTION 2. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2013.