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HOUSE BILL 239

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO CRIMINAL LAW; ENACTING A NEW SECTION OF THE  
CRIMINAL CODE TO MAKE IT A CRIME TO DISRUPT COMMUNICATIONS AND  
UTILITIES SERVICES BY THEFT OR INTENTIONAL DAMAGE OR TO CREATE  
A SAFETY HAZARD THROUGH THEFT OR INTENTIONAL DAMAGE TO  
CUSTOMER- OR UTILITY-OWNED EQUIPMENT; 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] CREATION OF A SAFETY HAZARD OR DISRUPTION  
OF COMMUNICATIONS AND UTILITIES SERVICES BY THEFT OR  
INTENTIONAL DAMAGE.--

A. Any person who by the theft of, or by  
intentionally damaging, communications or public utility  
equipment, whether customer- or utility-owned, creates a public

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

1 safety hazard or causes a disruption of communications services  
2 or public utility services to ten or more households, customers  
3 or subscribers or causes monetary damage equal to or greater  
4 than one thousand dollars (\$1,000) in value of equipment, the  
5 replacement cost of the equipment or the loss of business  
6 experienced by the affected customers of the communications or  
7 utility service shall be guilty of a:

8 (1) misdemeanor for a first offense,  
9 punishable pursuant to Section 31-19-1 NMSA 1978;

10 (2) fourth degree felony for a second offense,  
11 punishable pursuant to Section 31-18-15 NMSA 1978; or

12 (3) third degree felony for a third and  
13 subsequent offenses, punishable pursuant to Section 31-18-15  
14 NMSA 1978.

15 B. As used in this section, "equipment" means  
16 utility system materials, including communications towers and  
17 associated material, telephone lines, railroad and other  
18 industrial safety communication devices or systems, electric  
19 towers, electric transformers, metering equipment, electric  
20 grounding wires and electric and natural gas transmission and  
21 distribution lines."