

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 239

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

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

.196574.2

underscored 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,
5 including replacement costs, shall be guilty of a:

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

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

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

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