SENATE BILL 182

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF THREATENING A PUBLIC OFFICIAL.

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

SECTION 1. Section 30-20-13 NMSA 1978 (being Laws 1970, Chapter 86, Section 2, as amended) is amended to read:

"30-20-13. THREATENING A PUBLIC OFFICIAL--INTERFERENCE WITH MEMBERS OF STAFF, PUBLIC OFFICIALS OR THE GENERAL PUBLIC--

TRESPASS--DAMAGE TO PROPERTY--MISDEMEANORS--PENALTIES.--

A. No person shall threaten a public official with the intent to:

(1) cause actual SHPAC→**bodily**←SHPAC harm to the public official;

(2) place the public official in fear of great bodily harm; or

(3) prevent or interrupt the ability to carry out the public official's job duties.

[A.] B. No person shall, at or in any building or other facility or property owned, operated or controlled by the state or any of its political subdivisions, willfully deny to staff, public officials or the general public:

(1) lawful freedom of movement within the building or facility or the land on which it is situated;

(2) lawful use of the building or facility or the land on which it is situated; or

(3) the right of lawful ingress and egress to the building or facility or the land on which it is situated.

[B.] C. No person shall, at or in any building or other facility or property owned, operated or controlled by the state or any of its political [subdivision] subdivisions, willfully impede the staff or a public official or a member of the general public through the use of restraint, abduction, coercion or intimidation or when force and violence are present

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or threatened.

[C.] D. No person shall willfully refuse or fail to leave the property of or any building or other facility owned, operated or controlled by the state or any of its political subdivisions when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act [which] that would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the property, building or facility.

[D.] E. No person shall willfully interfere with the educational process of any public or private school by committing, threatening to commit or inciting others to commit any act [which] that would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of a public or private school.

[E.] F. Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute.

[F.] G. Any person who violates any of the provisions of this section shall be deemed guilty of a petty misdemeanor.

H. As used in this section, "public official" means a person elected to an office of the executive or legislative branch of the state, a person elected or appointed to an office

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in a political subdivision of the state, a person appointed to a public agency, a judge or a supreme court justice."

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