

State of New Mexico
House of Representatives

FIFTY-FIFTH LEGISLATURE
SECOND SESSION

February 9, 2022

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 69, as amended

Amendment sponsored by Representative James G. Townsend

1. On page 1, line 13, after the semicolon, insert "AMENDING THE DEFINITION OF "RACKETEERING";".

2. On page 4, between lines 15 and 16, insert the following new section:

"SECTION 3. Section 30-42-3 NMSA 1978 (being Laws 1980, Chapter 40, Section 3, as amended by Laws 2009, Chapter 253, Section 7 and by Laws 2009, Chapter 261, Section 7) is amended to read:

"30-42-3. DEFINITIONS.--As used in the Racketeering Act:

A. "racketeering" means any act that is chargeable or indictable under the laws of New Mexico and punishable by imprisonment for more than one year, involving any of the following cited offenses:

- (1) murder, as provided in Section 30-2-1 NMSA 1978;
- (2) robbery, as provided in Section 30-16-2 NMSA 1978;
- (3) kidnapping, as provided in Section 30-4-1 NMSA 1978;
- (4) forgery, as provided in Section 30-16-10 NMSA 1978;
- (5) larceny, as provided in Section 30-16-1 NMSA 1978;

State of New Mexico
House of Representatives

FIFTY-FIFTH LEGISLATURE
SECOND SESSION

HF1/HB 69, aa

Page 2

- (6) fraud, as provided in Section 30-16-6 NMSA 1978;
- (7) embezzlement, as provided in Section 30-16-8 NMSA 1978;
- (8) receiving stolen property, as provided in Section 30-16-11 NMSA 1978;
- (9) bribery, as provided in Sections 30-24-1 through 30-24-3.1 NMSA 1978;
- (10) gambling, as provided in Sections 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;
- (11) illegal kickbacks, as provided in Sections 30-41-1 and 30-41-2 NMSA 1978;
- (12) extortion, as provided in Section 30-16-9 NMSA 1978;
- (13) trafficking in controlled substances, as provided in Section 30-31-20 NMSA 1978;
- (14) arson and aggravated arson, as provided in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA 1978;
- (15) promoting prostitution, as provided in Section 30-9-4 NMSA 1978;
- (16) criminal solicitation, as provided in Section 30-28-3 NMSA 1978;
- (17) fraudulent securities practices, as provided in the New Mexico Uniform Securities Act [~~of 1986~~];
- (18) loan sharking, as provided in Sections

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State of New Mexico
House of Representatives

FIFTY-FIFTH LEGISLATURE
SECOND SESSION

HF1/HB 69, aa

Page 3

30-43-1 through 30-43-5 NMSA 1978;

(19) distribution of controlled substances or controlled substance analogues, as provided in Sections 30-31-21 and 30-31-22 NMSA 1978;

(20) a violation of the provisions of Section 30-51-4 NMSA 1978;

(21) unlawful taking of a vehicle or motor vehicle, as provided in Section 30-16D-1 NMSA 1978;

(22) embezzlement of a vehicle or motor vehicle, as provided in Section 30-16D-2 NMSA 1978;

(23) fraudulently obtaining a vehicle or motor vehicle, as provided in Section 30-16D-3 NMSA 1978;

(24) receiving or transferring stolen vehicles or motor vehicles, as provided in Section 30-16D-4 NMSA 1978; [~~and~~]

(25) altering or changing the serial number, engine number, decal or other numbers or marks of a vehicle or motor vehicle, as provided in Section 30-16D-6 NMSA 1978;

(26) operating a chop shop, as provided in Section 1 of this 2022 act; and

(27) criminal damage to property by theft or attempted theft of regulated material, as provided in Section 2 of this 2022 act;

B. "person" means an individual or entity capable of holding a legal or beneficial interest in property;

C. "enterprise" means a sole proprietorship, partnership,

State of New Mexico
House of Representatives

FIFTY-FIFTH LEGISLATURE
SECOND SESSION

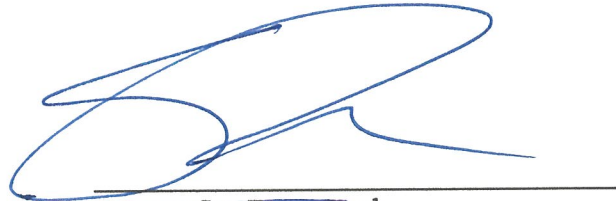
HF1/HB 69, aa

Page 4

corporation, business, labor union, association or other legal entity or a group of individuals associated in fact although not a legal entity and includes illicit as well as licit entities; and

D. "pattern of racketeering activity" means engaging in at least two incidents of racketeering with the intent of accomplishing any of the prohibited activities set forth in Subsections A through D of Section 30-42-4 NMSA 1978; provided at least one of the incidents occurred after February 28, 1980 and the last incident occurred within five years after the commission of a prior incident of racketeering."".

3. Renumber the succeeding section accordingly.



James G. Townsend
Stefan Cord

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____