

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 14

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO CRIME; ENACTING THE UNLAWFUL PRIVATE PARAMILITARY
ACTIVITY ACT; CREATING THE CRIME OF UNLAWFUL PRIVATE
PARAMILITARY ACTIVITY; PROVIDING EXCEPTIONS; PROVIDING A
CRIMINAL PENALTY; PROVIDING CIVIL REMEDIES.

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

SECTION 1. A new section of Chapter 30 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Unlawful Private Paramilitary Activity Act"."

SECTION 2. A new section of Chapter 30 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Unlawful
Private Paramilitary Activity Act:

A. "armed forces" means the United States army,

1 navy, air force, marine corps, space force or coast guard;

2 B. "explosive" means a chemical compound or mixture
3 or device, the primary or common purpose of which is to explode
4 and includes dynamite and other high explosives, black powder,
5 pellet powder, initiating explosives, detonators, safety fuses,
6 squibs, detonating cord, igniter cord and igniters;

7 C. "explosive device" means:

8 (1) an explosive bomb, grenade, missile or
9 similar device;

10 (2) a device or mechanism used or created to
11 start a fire or explosion with or without a timing mechanism
12 except cigarette lighters and matches; or

13 (3) an incendiary bomb or grenade, fire bomb
14 or similar device or any device that includes a flammable
15 liquid or compound and a wick or igniting agent composed of any
16 material that is capable of igniting the flammable liquid or
17 compound;

18 D. "firearm" means a weapon that will or is
19 designed to or may readily be converted to expel a projectile
20 by the action of an explosion, the frame or receiver of any
21 such weapon, any firearm muffler or firearm silencer and
22 includes a handgun, rifle or shotgun;

23 E. "paramilitary organization" means a group of
24 three or more persons associating under a command structure for
25 the purpose of functioning in public or training to function in

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1 public as a combat, combat support, law enforcement or security
2 services unit;

3 F. "peace officer" means a public official or
4 public officer vested by law with a duty to maintain public
5 order or to make arrests for crime, whether that duty extends
6 to all crimes or is limited to specific crimes;

7 G. "person" means an individual, partnership,
8 corporation, company, association, firm, society, organization
9 or government entity, whether incorporated or unincorporated;
10 and

11 H. "regularly organized state militia" means a
12 defense force organized and maintained by New Mexico but not
13 called, ordered or drafted into the armed forces."

14 SECTION 3. A new section of Chapter 30 NMSA 1978 is
15 enacted to read:

16 "[NEW MATERIAL] UNLAWFUL ACTS--PENALTY.--

17 A. Except as otherwise provided in the Unlawful
18 Private Paramilitary Activity Act, a person shall not, while
19 acting as part of a paramilitary organization or on behalf of
20 or in furtherance of any objectives of a paramilitary
21 organization, and while armed with a firearm, explosive device
22 or other deadly weapon, knowingly:

23 (1) publicly patrol, drill or engage in
24 techniques capable of causing bodily injury or death;

25 (2) interfere with, interrupt or attempt to

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1 interfere with or interrupt government operations or a
2 government proceeding;

3 (3) exercise or attempt to exercise, without
4 due authority, the functions of a peace officer or pretend to
5 be a peace officer with the intent to deceive another person;

6 (4) interfere with or intimidate another
7 person, the conduct of which deprives or attempts to deprive
8 the person of a right, privilege or immunity secured or
9 protected by the laws or constitution of the United States or
10 New Mexico; or

11 (5) train to engage in any activity described
12 in Paragraphs (1) through (4) of this subsection.

13 B. Whoever violates the provisions of Subsection A
14 of this section is guilty of a third degree felony.

15 C. A person convicted of violating Subsection A of
16 this section shall forfeit any property that:

17 (1) was involved in, used for or intended to
18 be used for the commission of the violation;

19 (2) was involved in, used for or intended to
20 be used for facilitating the commission of the violation; or

21 (3) constitutes or is derived from proceeds
22 traceable to the violation.

23 D. Any property forfeited pursuant to Subsection C
24 of this section shall be forfeited as provided in the
25 Forfeiture Act."

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1 SECTION 4. A new section of Chapter 30 NMSA 1978 is
2 enacted to read:

3 "[NEW MATERIAL] EXEMPTIONS.--The provisions of the
4 Unlawful Private Paramilitary Activity Act do not apply to a
5 person who is acting in the person's capacity as a member of:

6 A. the armed forces of the United States, the army
7 national guard of New Mexico, the air national guard of New
8 Mexico, any regularly organized state militia or any
9 unorganized or reserve militia called into service by this
10 state or the United States;

11 B. a group of individuals that:

12 (1) associate as a military organization
13 solely for historical purposes or fictional performances; or

14 (2) parade in public as part of a bona fide
15 veterans organization with no intent to engage in activities
16 prohibited by the Unlawful Private Paramilitary Activity Act;

17 C. an educational institution that is authorized by
18 this state or the United States to teach military science as a
19 prescribed part of the course of instruction under the
20 supervision of a military instructor; or

21 D. an organization that is authorized by this state
22 or the United States to:

23 (1) provide paramilitary, law enforcement or
24 security services training; or

25 (2) engage in paramilitary activity, law

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underscored material = new
[bracketed material] = delete

1 enforcement or security services if the organization is
2 performing the functions authorized by this state or the United
3 States and, for paramilitary activity or law enforcement, if
4 the organization is under the direction and control of a
5 governmental authority."

6 SECTION 5. A new section of Chapter 30 NMSA 1978 is
7 enacted to read:

8 "[NEW MATERIAL] CIVIL REMEDIES.--

9 A. The attorney general may commence an action for
10 declaratory, injunctive or any other equitable relief against a
11 person whom the attorney general has reasonable cause to
12 believe has engaged in or is about to engage in an act
13 prohibited by the Unlawful Private Paramilitary Activity Act.

14 B. A person who is injured as a result of a
15 violation of the Unlawful Private Paramilitary Activity Act may
16 commence a civil action, individually or jointly with any other
17 persons aggrieved, for declaratory, injunctive or any other
18 equitable relief or for damages incurred as a result of the
19 violation, including reasonable attorney fees and costs."