

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 153

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

AN ACT

RELATING TO CRIME; DEFINING LIVESTOCK IN THE CRIMINAL CODE;  
AMENDING THE CRIME FOR LARCENY OF LIVESTOCK TO PERMIT MULTIPLE  
OFFENSES.

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

SECTION 1. Section 30-1-12 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 1-13) is amended to read:

"30-1-12. DEFINITIONS.--As used in the Criminal Code:

A. "great bodily harm" means an injury to the  
person ~~which~~ that creates a high probability of death, ~~or~~  
~~which~~ causes serious disfigurement or ~~which~~ results in  
permanent or protracted loss or impairment of the function of  
any member or organ of the body;

B. "deadly weapon" means any firearm, whether  
loaded or unloaded; or any weapon ~~which~~ that is capable of

.225310.2

underscored material = new  
[bracketed material] = delete

1 producing death or great bodily harm, including but not  
2 restricted to any types of daggers, brass knuckles, switchblade  
3 knives, bowie knives, poniards, butcher knives, dirk knives and  
4 all such weapons with which dangerous cuts can be given or with  
5 which dangerous thrusts can be inflicted, including swordcanes,  
6 [~~and~~] any kind of sharp pointed canes, [~~also~~] slingshots, slung  
7 shots and bludgeons; or any other weapons with which dangerous  
8 wounds can be inflicted;

9 C. "peace officer" means any public official or  
10 public officer vested by law with a duty to maintain public  
11 order or to make arrests for crime, whether that duty extends  
12 to all crimes or is limited to specific crimes;

13 D. "another" or "other" means any other human being  
14 or legal entity, whether incorporated or unincorporated,  
15 including the United States, the state [~~of New Mexico~~] or any  
16 subdivision [~~thereof~~] of the state;

17 E. "person" means any human being or legal entity,  
18 whether incorporated or unincorporated, including the United  
19 States, the state [~~of New Mexico~~] or any subdivision [~~thereof~~]  
20 of the state;

21 F. "anything of value" means any conceivable thing  
22 of the slightest value, tangible or intangible, movable or  
23 immovable, corporeal or incorporeal, public or private. The  
24 term is not necessarily synonymous with the traditional legal  
25 term "property";

.225310.2

1           G. "official proceeding" means a proceeding heard  
2 before any legislative, judicial, administrative or other  
3 governmental agency or official authorized to hear evidence  
4 under oath, including any referee, hearing examiner,  
5 commissioner, notary or other person taking testimony or  
6 depositions in any proceeding;

7           H. "lawful custody or confinement" means the  
8 holding of any person pursuant to lawful authority, including  
9 without limitation actual or constructive custody of prisoners  
10 temporarily outside a penal institution, reformatory, jail,  
11 prison farm or ranch;

12           I. "public officer" means any elected or appointed  
13 officer of the state or any of its political subdivisions,  
14 [~~and~~] whether or not [~~he~~] the officer receives remuneration for  
15 [~~his~~] services; [~~and~~]

16           J. "public employee" means any person receiving  
17 remuneration for regular services rendered to the state or any  
18 of its political subdivisions; and

19           K. "livestock" means any domestic or domesticated  
20 animal or animals that are used or raised on a farm or ranch  
21 and exotic animals in captivity, and includes horses, asses,  
22 mules, cattle, sheep, goats, swine, bison, poultry, ostriches,  
23 emus, rheas, camelids and farm cervidae, but does not include  
24 canine or feline animals."

25           SECTION 2. Section 30-16-1 NMSA 1978 (being Laws 1963,

.225310.2

1 Chapter 303, Section 16-1, as amended) is amended to read:

2 "30-16-1. LARCENY.--

3 A. Larceny consists of the stealing of anything of  
4 value that belongs to another.

5 B. Whoever commits larceny when the value of the  
6 property stolen is two hundred fifty dollars (\$250) or less is  
7 guilty of a petty misdemeanor.

8 C. Whoever commits larceny when the value of the  
9 property stolen is over two hundred fifty dollars (\$250) but  
10 not more than five hundred dollars (\$500) is guilty of a  
11 misdemeanor.

12 D. Whoever commits larceny when the value of the  
13 property stolen is over five hundred dollars (\$500) but not  
14 more than two thousand five hundred dollars (\$2,500) is guilty  
15 of a fourth degree felony.

16 E. Whoever commits larceny when the value of the  
17 property stolen is over two thousand five hundred dollars  
18 (\$2,500) but not more than twenty thousand dollars (\$20,000) is  
19 guilty of a third degree felony.

20 F. Whoever commits larceny when the value of the  
21 property stolen is over twenty thousand dollars (\$20,000) is  
22 guilty of a second degree felony.

23 G. Whoever commits larceny when the property of  
24 value stolen is livestock [~~is guilty of a third degree felony~~  
25 ~~regardless of its value~~], and when:

.225310.2

1                   (1) the value of the stolen livestock is two  
2 thousand five hundred dollars (\$2,500) or less is guilty of a  
3 third degree felony;

4                   (2) the value of the stolen livestock is  
5 greater than two thousand five hundred dollars (\$2,500) is  
6 guilty of a second degree felony; or

7                   (3) the value of the stolen livestock is  
8 greater than twenty thousand dollars (\$20,000) and multiple  
9 livestock are stolen is guilty of a second degree felony, and  
10 the theft shall constitute separate offenses but not more than  
11 three per occurrence.

12                   H. Whoever commits larceny when the property of  
13 value stolen is a firearm is guilty of a fourth degree felony  
14 when its value is less than two thousand five hundred dollars  
15 (\$2,500)."

underscored material = new  
[bracketed material] = delete