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AN ACT

RELATING TO CRIME; AMENDING THE ELEMENTS OF SHOPLIFTING;
CREATING THE CRIME OF AGGRAVATED SHOPLIFTING; CREATING THE
CRIME OF ORGANIZED RETAIL CRIME; IMPOSING PENALTIES.

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

SECTION 1. Section 30-16-20 NMSA 1978 (being Laws 1965,
Chapter 5, Section 2, as amended) is amended to read:

"30-16-20. SHOPLIFTING--AGGRAVATED SHOPLIFTING.--

A. Shoplifting consists of one or more of the
following acts:

(1) willfully taking possession of
merchandise with the intention of converting it without
paying for it;

(2) willfully concealing merchandise with
the intention of converting it without paying for it;

(3) willfully altering a label, price tag or
marking upon merchandise with the intention of depriving the
retailer of all or some part of the value of it; or

(4) willfully transferring merchandise from
the container in or on which it is displayed to another
container with the intention of depriving the retailer of all
or some part of the value of it.

B. Whoever commits shoplifting when the value of
the merchandise shoplifted:

1 (1) is two hundred fifty dollars (\$250) or
2 less is guilty of a petty misdemeanor;

3 (2) is more than two hundred fifty dollars
4 (\$250) but not more than five hundred dollars (\$500) is
5 guilty of a misdemeanor;

6 (3) is more than five hundred dollars (\$500)
7 but not more than two thousand five hundred dollars (\$2,500)
8 is guilty of a fourth degree felony;

9 (4) is more than two thousand five hundred
10 dollars (\$2,500) but not more than twenty thousand dollars
11 (\$20,000) is guilty of a third degree felony; or

12 (5) is more than twenty thousand dollars
13 (\$20,000) is guilty of a second degree felony.

14 C. Charges under this section shall be based on
15 the aggregated retail market value of merchandise shoplifted
16 from a single retailer at a single location in an amount
17 specified in Subsection B of this section. Conduct that may
18 form the basis for a charge under this section may be used or
19 considered for an organized retail crime offense pursuant to
20 Section 2 of this 2023 act; provided that an individual
21 charged with both a violation of this section and organized
22 retail crime shall not be punished for both offenses.

23 D. When an individual has engaged in shoplifting
24 more than once over a ninety-day period, whether committed at
25 one or more retailers, the prosecution may charge the

1 individual under this section based on either the aggregated
2 retail market value of merchandise shoplifted from a single
3 retailer at a single location or in a single charge based on
4 the aggregated retail market value of merchandise shoplifted.
5 Venue for prosecutions based on an aggregated retail market
6 value of merchandise stolen shall be proper in any county in
7 which merchandise was shoplifted.

8 E. Aggravated shoplifting consists of unlawfully
9 assaulting or striking at another with a deadly weapon
10 immediately after an act of shoplifting in order to retain
11 possession of stolen property or to effect an escape from the
12 scene of an act of shoplifting. Whoever commits aggravated
13 shoplifting is guilty of a third degree felony.

14 F. As used in this section:

15 (1) "aggregated retail market value" means
16 the total combined value of all merchandise involved at the
17 price at which the merchandise would ordinarily be sold by
18 the retailer with the legitimate sale or distribution of the
19 item; and

20 (2) "retailer" means a person or business
21 that sells or facilitates the sale of merchandise to the
22 public for use or consumption rather than for resale."

23 SECTION 2. A new section of Chapter 30, Article 16 NMSA
24 1978 is enacted to read:

25 "ORGANIZED RETAIL CRIME--PENALTIES.--

1 A. A person who commits any of the following acts
2 is guilty of organized retail crime:

3 (1) acts in concert with one or more persons
4 to steal merchandise with an aggregated retail market value
5 of two thousand five hundred dollars (\$2,500) or more from
6 one or more retailers over the span of one year with the
7 intent to sell, exchange or return the merchandise for value;

8 (2) acts in concert with one or more persons
9 to receive, purchase or possess merchandise with an
10 aggregated retail market value of two thousand five hundred
11 dollars (\$2,500) or more over the span of one year, knowing
12 or believing it to have been stolen;

13 (3) acts as an agent of another individual
14 or group of individuals to steal merchandise with an
15 aggregated retail market value of two thousand five hundred
16 dollars (\$2,500) or more from one or more retailers over the
17 span of one year as part of an organized plan to commit
18 theft; or

19 (4) recruits, coordinates, organizes,
20 supervises, directs, manages or finances another to undertake
21 any of the acts described in this section or any other
22 statute defining theft of merchandise.

23 B. Venue shall be proper in any county in which
24 merchandise is stolen.

25 C. Whoever commits organized retail crime is

1 guilty of a second degree felony.

2 D. As used in this section:

3 (1) "aggregated retail market value" means
4 the total combined value of all merchandise involved at the
5 price at which the merchandise would ordinarily be sold by
6 the retailer with the legitimate sale or distribution of the
7 item; and

8 (2) "retailer" means a person or business
9 that sells or facilitates the sale of merchandise to the
10 public for use or consumption rather than for resale."

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