

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 70

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

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; AMENDING THE RACKETEERING ACT; ADDING
CERTAIN CRIMES TO THE DEFINITION OF "RACKETEERING".

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

SECTION 1. Section 30-42-1 NMSA 1978 (being Laws 1980,
Chapter 40, Section 1) is amended to read:

"30-42-1. SHORT TITLE.--~~[This act]~~ Chapter 30, Article 42
NMSA 1978 may be cited as the "Racketeering Act"."

.231569.1AIC March 7, 2025 (2:13pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

SECTION 2. Section 30-42-3 NMSA 1978 (being Laws 1980, Chapter 40, Section 3, as amended) 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;

(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;

.231569.1AIC March 7, 2025 (2:13pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

- (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;
- (18) loan sharking, as provided in Sections 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]~~ money laundering, as provided in Section 30-51-4 NMSA 1978;
- (21) unlawful taking of a vehicle or motor

.231569.1AIC March 7, 2025 (2:13pm)

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;

(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; ~~and~~

(26) trafficking cannabis products, as provided in Section 26-2C-28 NMSA 1978;

(27) sexual exploitation of children, as provided in Sections 30-6A-3 and 30-6A-4 NMSA 1978;

(28) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(29) criminal sexual contact, as provided in Sections 30-9-12 and 30-9-13 NMSA 1978;

(30) dog fighting SFC→~~and cockfighting~~←SFC , as provided in Section 30-18-9 NMSA 1978;

Sf11→(31) cockfighting, as provided in Section 30-18-9 NMSA 1978;←Sf11

Sf11→~~(31)~~←Sf11 Sf11→(32)←Sf11 bringing contraband into places of imprisonment, as provided in Section 30-22-14 NMSA 1978; and

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

Sf11→(32)←Sf11 Sf11→(33)←Sf11 human
trafficking, as provided in Section 30-52-1 NMSA 1978;

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

C. "enterprise" means a sole proprietorship, partnership, corporation, business, labor union, association or other legal entity or a group of [~~individuals~~] persons 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."

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←