

1 AN ACT
2 RELATING TO CRIME; AMENDING THE RACKETEERING ACT; ADDING
3 CERTAIN CRIMES TO THE DEFINITION OF "RACKETEERING".
4

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

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

8 "30-42-1. SHORT TITLE.--Chapter 30, Article 42
9 NMSA 1978 may be cited as the "Racketeering Act"."

10 SECTION 2. Section 30-42-3 NMSA 1978 (being Laws 1980,
11 Chapter 40, Section 3, as amended) is amended to read:

12 "30-42-3. DEFINITIONS.--As used in the Racketeering
13 Act:

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

18 (1) murder, as provided in Section 30-2-1
19 NMSA 1978;

20 (2) robbery, as provided in Section 30-16-2
21 NMSA 1978;

22 (3) kidnapping, as provided in
23 Section 30-4-1 NMSA 1978;

24 (4) forgery, as provided in Section 30-16-10
25 NMSA 1978;

1 (5) larceny, as provided in Section 30-16-1
2 NMSA 1978;

3 (6) fraud, as provided in Section 30-16-6
4 NMSA 1978;

5 (7) embezzlement, as provided in
6 Section 30-16-8 NMSA 1978;

7 (8) receiving stolen property, as provided
8 in Section 30-16-11 NMSA 1978;

9 (9) bribery, as provided in Sections 30-24-1
10 through 30-24-3.1 NMSA 1978;

11 (10) gambling, as provided in
12 Sections 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;

13 (11) illegal kickbacks, as provided in
14 Sections 30-41-1 and 30-41-2 NMSA 1978;

15 (12) extortion, as provided in
16 Section 30-16-9 NMSA 1978;

17 (13) trafficking in controlled substances,
18 as provided in Section 30-31-20 NMSA 1978;

19 (14) arson and aggravated arson, as provided
20 in Subsection A of Section 30-17-5 and Section 30-17-6
21 NMSA 1978;

22 (15) promoting prostitution, as provided in
23 Section 30-9-4 NMSA 1978;

24 (16) criminal solicitation, as provided in
25 Section 30-28-3 NMSA 1978;

1 (17) fraudulent securities practices, as
2 provided in the New Mexico Uniform Securities Act;

3 (18) loan sharking, as provided in
4 Sections 30-43-1 through 30-43-5 NMSA 1978;

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

8 (20) money laundering, as provided in
9 Section 30-51-4 NMSA 1978;

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

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

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

16 (24) receiving or transferring stolen
17 vehicles or motor vehicles, as provided in Section 30-16D-4
18 NMSA 1978;

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

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

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

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

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

5 (30) dog fighting, as provided in
6 Section 30-18-9 NMSA 1978;

7 (31) cockfighting, as provided in
8 Section 30-18-9 NMSA 1978;

9 (32) bringing contraband into places of
10 imprisonment, as provided in Section 30-22-14 NMSA 1978; and

11 (33) human trafficking, as provided in
12 Section 30-52-1 NMSA 1978;

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

15 C. "enterprise" means a sole proprietorship,
16 partnership, corporation, business, labor union, association
17 or other legal entity or a group of persons associated in
18 fact although not a legal entity, and includes illicit as
19 well as licit entities; and

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

1 five years after the commission of a prior incident of
2 racketeering." _____

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