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HOUSE BILL 1186

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING AN EQUITABLE SCHEDULE OF  
PUNISHMENTS FOR CRIMINAL OFFENSES INVOLVING THEFT; AMENDING  
SECTIONS OF THE NMSA 1978.

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

Section 1. Section 30-16-1 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 16-1, as amended) is amended to read:

"30-16-1. LARCENY.--Larceny consists of the stealing of  
anything of value which belongs to another.

Whoever commits larceny when the value of the property  
stolen is one hundred dollars (\$100) or less is guilty of a  
petty misdemeanor.

Whoever commits larceny when the value of the property  
stolen is over one hundred dollars (\$100) but not more than ~~[two  
hundred fifty dollars (\$250)]~~ one thousand dollars (\$1,000) is

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1 guilty of a misdemeanor.

2       Whoever commits larceny when the value of the property  
3 stolen is over [~~two hundred fifty dollars (\$250)~~] one thousand  
4 dollars (\$1,000) but not more than two thousand five hundred  
5 dollars (\$2,500) is guilty of a fourth degree felony.

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

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

13       Whoever commits larceny when the property of value stolen  
14 is livestock is guilty of a third degree felony regardless of  
15 its value.

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

19       Section 2. Section 30-16-6 NMSA 1978 (being Laws 1963,  
20 Chapter 303, Section 16-6, as amended) is amended to read:

21       "30-16-6. FRAUD.--Fraud consists of the intentional  
22 misappropriation or taking of anything of value which belongs to  
23 another by means of fraudulent conduct, practices or  
24 representations.

25       Whoever commits fraud when the value of the property

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1 misappropriated or taken is one hundred dollars (\$100) or less  
2 is guilty of a petty misdemeanor.

3 Whoever commits fraud when the value of the property  
4 misappropriated or taken is over one hundred dollars (\$100) but  
5 not more than [~~two hundred fifty dollars (\$250)~~] one thousand  
6 dollars (\$1,000) is guilty of a misdemeanor.

7 Whoever commits fraud when the value of the property  
8 misappropriated or taken is over [~~two hundred fifty dollars~~  
9 ~~(\$250)~~] one thousand dollars (\$1,000) but not more than [~~twenty-~~  
10 ~~five~~] two thousand five hundred dollars (\$2,500) is guilty of a  
11 fourth degree felony.

12 [~~Whoever commits fraud when the property misappropriated or~~  
13 ~~taken is a firearm is guilty of a fourth degree felony.~~]

14 Whoever commits fraud when the value of the property  
15 misappropriated or taken is over [~~twenty-five~~] two thousand five  
16 hundred dollars (\$2,500) but not more than twenty thousand  
17 dollars (\$20,000) is guilty of a third degree felony.

18 Whoever commits fraud when the value of the property  
19 misappropriated or taken exceeds twenty thousand dollars  
20 (\$20,000) is guilty of a second degree felony.

21 Whoever commits fraud when the property misappropriated or  
22 taken is a firearm is guilty of a fourth degree felony when its  
23 value is less than two thousand five hundred dollars (\$2,500)."

24 Section 3. Section 30-16-7 NMSA 1978 (being Laws 1971,  
25 Chapter 282, Section 1, as amended) is amended to read:

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1 "30-16-7. UNLAWFUL DEALING IN FEDERAL FOOD COUPONS OR WIC  
2 CHECKS.--Unlawful dealing in federal food coupons or WIC checks  
3 consists of a person buying, selling, trading, bartering or  
4 possessing food coupons or WIC checks issued by the United  
5 States department of agriculture with the intent to obtain an  
6 economic benefit to which he is not entitled under the rules and  
7 regulations of the human services department pertaining to the  
8 food stamp program or of the [~~health and environment~~] department  
9 of health pertaining to the special supplemental food program  
10 for women, infants and children.

11 Whoever commits unlawful dealing in federal food coupons or  
12 WIC checks when the value of the food coupons or WIC checks  
13 involved is one hundred dollars (\$100) or less is guilty of a  
14 petty misdemeanor.

15 Whoever commits unlawful dealing in federal food coupons or  
16 WIC checks when the value of the food coupons or WIC checks  
17 involved is over one hundred dollars (\$100) but not more than  
18 [~~two hundred fifty dollars (\$250)~~] one thousand dollars (\$1,000)  
19 is guilty of a misdemeanor.

20 Whoever commits unlawful dealing in federal food coupons or  
21 WIC checks when the value of the food coupons or WIC checks  
22 involved is over [~~two hundred fifty dollars (\$250)~~] one thousand  
23 dollars (\$1,000) but not more than [~~twenty-five~~] two thousand  
24 five hundred dollars (\$2,500) is guilty of a fourth degree  
25 felony.

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1           Whoever commits unlawful dealing in federal food coupons or  
2 WIC checks when the value of the food coupons or WIC checks  
3 involved is over [~~twenty-five~~] two thousand five hundred dollars  
4 (\$2,500) but not more than twenty thousand dollars (\$20,000) is  
5 guilty of a third degree felony.

6           Whoever commits unlawful dealing in federal food coupons or  
7 WIC checks when the value of the food coupons or WIC checks  
8 involved exceeds twenty thousand dollars (\$20,000) is guilty of  
9 a second degree felony."

10           Section 4. Section 30-16-8 NMSA 1978 (being Laws 1963,  
11 Chapter 303, Section 16-7, as amended) is amended to read:

12           "30-16-8. EMBEZZLEMENT. -- Embezzlement consists of the  
13 embezzling or converting to his own use of anything of value,  
14 with which he has been entrusted, with fraudulent intent to  
15 deprive the owner thereof. Each separate incident of  
16 embezzlement or conversion constitutes a separate and distinct  
17 offense.

18           Whoever commits embezzlement when the value of the thing  
19 embezzled or converted is one hundred dollars (\$100) or less is  
20 guilty of a petty misdemeanor.

21           Whoever commits embezzlement when the value of the thing  
22 embezzled or converted is over one hundred dollars (\$100) but  
23 not more than [~~two hundred fifty dollars (\$250)]~~ one thousand  
24 dollars (\$1,000) is guilty of a misdemeanor.

25           Whoever commits embezzlement when the value of the thing

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1   embezzled or converted is over [~~two hundred fifty dollars~~  
2   ~~(\$250)~~] one thousand dollars (\$1,000) but not more than two  
3   thousand five hundred dollars (\$2,500) is guilty of a fourth  
4   degree felony.

5           Whoever commits embezzlement when the value of the thing  
6   embezzled or converted is over two thousand five hundred dollars  
7   (\$2,500) but not more than twenty thousand dollars (\$20,000) is  
8   guilty of a third degree felony.

9           Whoever commits embezzlement when the value of the thing  
10   embezzled or converted exceeds twenty thousand dollars (\$20,000)  
11   is guilty of a second degree felony."

12           Section 5. Section 30-16-11 NMSA 1978 (being Laws 1963,  
13   Chapter 303, Section 16-11, as amended) is amended to read:

14           "30-16-11. RECEIVING STOLEN PROPERTY--PENALTIES.--

15           A. Receiving stolen property means intentionally to  
16   receive, retain or dispose of stolen property knowing that it  
17   has been stolen or believing it has been stolen, unless the  
18   property is received, retained or disposed of with intent to  
19   restore it to the owner.

20           B. The requisite knowledge or belief that property  
21   has been stolen is presumed in the case of a dealer who:

22                   (1) is found in possession or control of  
23   property stolen from two or more persons on separate occasions;

24                   (2) acquires stolen property for a  
25   consideration which the dealer knows is far below the property's

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1 reasonable value. A dealer shall be presumed to know the fair  
2 market value of the property in which he deals; or

3 (3) is found in possession or control of five  
4 or more items of property stolen within one year prior to the  
5 time of the incident charged pursuant to this section.

6 C. For the purposes of this section:

7 (1) "dealer" means a person in the business of  
8 buying or selling goods or commercial merchandise; and

9 (2) "stolen property" means any property  
10 acquired by theft, larceny, fraud, embezzlement, robbery or  
11 armed robbery.

12 D. Whoever commits receiving stolen property when  
13 the value of the property is one hundred dollars (\$100) or less  
14 is guilty of a petty misdemeanor.

15 E. Whoever commits receiving stolen property when  
16 the value of the property is over one hundred dollars (\$100) but  
17 not more than [~~two hundred fifty dollars (\$250)~~] one thousand  
18 dollars (\$1,000) is guilty of a misdemeanor.

19 F. Whoever commits receiving stolen property when  
20 the value of the property is over [~~two hundred fifty dollars~~  
21 ~~(\$250)~~] one thousand dollars (\$1,000) but not more than two  
22 thousand five hundred dollars (\$2,500) is guilty of a fourth  
23 degree felony.

24 G. Whoever commits receiving stolen property when  
25 the value of the property is over two thousand five hundred

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1 dollars (\$2,500) but not more than twenty thousand dollars  
2 (\$20,000) is guilty of a third degree felony.

3 H. Whoever commits receiving stolen property when  
4 the value of the property exceeds twenty thousand dollars  
5 (\$20,000) is guilty of a second degree felony.

6 I. Whoever commits receiving stolen property when  
7 the property is a firearm is guilty of a fourth degree felony,  
8 when its value is less than two thousand five hundred dollars  
9 (\$2,500). "

10 Section 6. Section 30-16-13 NMSA 1978 (being Laws 1963,  
11 Chapter 303, Section 16-13) is amended to read:

12 "30-16-13. CHEATING A MACHINE OR DEVICE. --

13 A. Cheating a machine or device consists of any  
14 person, with intent to defraud, attempting to operate or causing  
15 to be operated any automatic vending machine, parking meter,  
16 coin-box telephone or any machine or ~~[receptable]~~ receptacle  
17 designed to receive lawful money of the United States in  
18 connection with the sale, use or enjoyment of property or  
19 service by means of any slug or by any false, counterfeited,  
20 mutilated, sweated or foreign coin or by any means, method,  
21 trick or device.

22 B. Whoever commits cheating a machine or device when  
23 the value of the property or service is one hundred dollars  
24 (\$100) or less is guilty of a petty misdemeanor.

25 C. Whoever commits cheating a machine or device when



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1 the value of the property or service is over one hundred dollars  
2 (\$100) but not more than one thousand dollars (\$1,000) is guilty  
3 of a misdemeanor.

4 D. Whoever commits cheating a machine or device when  
5 the value of the property or service is over one thousand  
6 dollars (\$1,000) but not more than two thousand five hundred  
7 dollars (\$2,500) is guilty of a fourth degree felony.

8 E. Whoever commits cheating a machine or device when  
9 the value of the property or service is over two thousand five  
10 hundred dollars (\$2,500) but not more than twenty thousand  
11 dollars (\$20,000) is guilty of a third degree felony.

12 F. Whoever commits cheating a machine or device when  
13 the value of the property or service is over twenty thousand  
14 dollars (\$20,000) is guilty of a second degree felony."

15 Section 7. Section 30-16-16 NMSA 1978 (being Laws 1963,  
16 Chapter 303, Section 16-16, as amended) is amended to read:

17 "30-16-16. FALSELY OBTAINING SERVICES OR ACCOMMODATIONS--  
18 PROBABLE CAUSE-- IMMUNITY-- PENALTY. --

19 A. Falsely obtaining services or accommodations  
20 consists of any person obtaining service, food, entertainment or  
21 accommodations without paying with the intent to cheat or  
22 defraud the owner or person supplying such service, food,  
23 entertainment or accommodations.

24 B. Any law enforcement officer may arrest without  
25 warrant any person he has probable cause for believing has

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1 committed the crime of falsely obtaining services or  
2 accommodations as defined in this section. Any merchant, owner  
3 or proprietor who causes such an arrest shall not be criminally  
4 or civilly liable if he has actual knowledge that the person so  
5 arrested has committed the crime of falsely obtaining services  
6 or accommodations.

7 C. Whoever commits falsely obtaining services or  
8 accommodations when the value of the service, food,  
9 entertainment or accommodations furnished is:

10 (1) less than one hundred dollars (\$100) is  
11 guilty of a petty misdemeanor;

12 (2) more than one hundred dollars (\$100) but  
13 not more than [~~two hundred fifty dollars (\$250)~~] one thousand  
14 dollars (\$1,000) is guilty of a misdemeanor;

15 (3) more than [~~two hundred fifty dollars~~  
16 ~~(\$250)~~] one thousand dollars (\$1,000) but not more than two  
17 thousand five hundred dollars (\$2,500) is guilty of a fourth  
18 degree felony;

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

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

24 Section 8. Section 30-16-20 NMSA 1978 (being Laws 1965,  
25 Chapter 5, Section 2, as amended) is amended to read:

1 "30-16-20. CRIME OF SHOPLIFTING CREATED. --

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

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

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

9 (3) willfully altering any label, price tag or  
10 marking upon any merchandise with the intention of depriving the  
11 merchant of all or some part of the value of it; or

12 (4) willfully transferring any merchandise from  
13 the container in or on which it is displayed to any other  
14 container with the intention of depriving the merchant of all or  
15 some part of the value of it.

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

18 (1) is one hundred dollars (\$100) or less is  
19 guilty of a petty misdemeanor;

20 (2) is more than one hundred dollars (\$100) but  
21 not more than [~~two hundred fifty dollars (\$250)~~] one thousand  
22 dollars (\$1,000) is guilty of a misdemeanor;

23 (3) is more than [~~two hundred fifty dollars~~  
24 ~~(\$250)~~] one thousand dollars (\$1,000) but not more than two  
25 thousand five hundred dollars (\$2,500) is guilty of a fourth

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1 degree felony;

2 (4) is more than two thousand five hundred dollars  
3 (\$2,500) but not more than twenty thousand dollars (\$20,000) is  
4 guilty of a third degree felony; or

5 (5) is more than twenty thousand dollars  
6 (\$20,000) is guilty of a second degree felony.

7 C. Any individual charged with a violation of this  
8 section shall not be charged with a separate or additional  
9 offense arising out of the same transaction."

10 Section 9. Section 30-16-33 NMSA 1978 (being Laws 1971,  
11 Chapter 239, Section 9) is amended to read:

12 "30-16-33. FRAUDULENT USE OF CREDIT CARDS. --

13 A. ~~[A person is guilty of a fourth degree felony if,~~  
14 ~~with intent to defraud, he uses to obtain anything of value]~~

15 Fraudulent use of a credit card consists of obtaining anything  
16 of value, with intent to defraud, by using:

17 (1) a credit card obtained in violation of  
18 Sections ~~[40A-16-24 through 40A-16-38 NMSA 1953; or]~~ 30-16-25  
19 through 30-16-38 NMSA 1978;

20 (2) a credit card which is invalid, expired or  
21 revoked; ~~[or]~~

22 (3) a credit card while fraudulently representing  
23 that he is the cardholder named on the credit card or an  
24 authorized agent or representative of the cardholder named on  
25 the credit card; or

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1                   (4) a credit card issued in the name of another  
2 without the consent of the person to whom the card has been  
3 issued.

4                   ~~[B. If the value of all things of value obtained by~~  
5 ~~any person from one or more merchants, an issuer or a~~  
6 ~~participating party, in violation of this section exceeds three~~  
7 ~~hundred dollars (\$300) in any consecutive six months period,~~  
8 ~~then the offense of the violator is a third degree felony.]~~

9                   B. Whoever commits fraudulent use of a credit card  
10 when the value of the property or service is one hundred dollars  
11 (\$100) or less is guilty of a petty misdemeanor.

12                   C. Whoever commits fraudulent use of a credit card  
13 when the value of the property or service is over one hundred  
14 dollars (\$100) but not more than one thousand dollars (\$1,000)  
15 is guilty of a misdemeanor.

16                   D. Whoever commits fraudulent use of a credit card  
17 when the value of the property or service is over one thousand  
18 dollars (\$1,000) but not more than two thousand five hundred  
19 dollars (\$2,500) is guilty of a fourth degree felony.

20                   E. Whoever commits fraudulent use of a credit card  
21 when the value of the property or service is over two thousand  
22 five hundred dollars (\$2,500) but not more than twenty thousand  
23 dollars (\$20,000) is guilty of a third degree felony.

24                   F. Whoever commits fraudulent use of a credit card  
25 when the value of the property or service is over twenty

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1 thousand dollars (\$20,000) is guilty of a second degree felony."

2 Section 10. Section 30-16-39 NMSA 1978 (being Laws 1972,  
3 Chapter 23, Section 1, as amended) is amended to read:

4 "30-16-39. FRAUDULENT ACTS TO OBTAIN OR RETAIN POSSESSION  
5 OF RENTED OR LEASED VEHICLE OR OTHER PERSONAL PROPERTY--  
6 PENALTY. --Any person who rents or leases a vehicle or other  
7 personal property and obtains or retains possession of it by  
8 means of any false or fraudulent representation, fraudulent  
9 concealment, false pretense or personation, trick, artifice or  
10 device, including but not limited to a false representation as  
11 to his name, residence, employment or operator's license is  
12 guilty:

13 A. of a [~~fourth degree felony~~] petty misdemeanor if  
14 the property [~~is a~~] or vehicle [~~or~~] has a value [~~in excess~~] of  
15 one hundred dollars (\$100) or less; [~~or~~]

16 B. of a [~~petty~~] misdemeanor if the property [~~is not a~~]  
17 or vehicle [~~and~~] has a value of over one hundred dollars (\$100)  
18 [~~or less~~] but not more than one thousand dollars (\$1,000);

19 C. of a fourth degree felony if the property or  
20 vehicle has a value of over one thousand dollars (\$1,000) but  
21 not more than two thousand five hundred dollars (\$2,500);

22 D. of a third degree felony if the property or vehicle  
23 has a value of over two thousand five hundred dollars (\$2,500)  
24 but not more than twenty thousand dollars (\$20,000); and

25 E. of a second degree felony if the property or

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1 vehicle has a value of over twenty thousand dollars (\$20,000)."

2 Section 11. Section 30-16-40 NMSA 1978 (being Laws 1973,  
3 Chapter 154, Section 1, as amended) is amended to read:

4 "30-16-40. FRAUDULENT REFUSAL TO RETURN A LEASED VEHICLE OR  
5 OTHER PERSONAL PROPERTY--PENALTY--PRESUMPTION. --

6 A. Any person who, after leasing a vehicle or other  
7 personal property under a written agreement which provides for  
8 the return of the vehicle or personal property to a particular  
9 place at a particular time and who, with intent to defraud the  
10 lessor of the vehicle or personal property, fails to return the  
11 vehicle or personal property to the place within the time  
12 specified, is guilty:

13 [~~(1) of a fourth degree felony if the property is~~  
14 ~~a vehicle or has a value in excess of one hundred dollars~~  
15 ~~(\$100); or~~

16 [~~(2) of a petty misdemeanor if the property is not~~  
17 ~~a vehicle and has a value of one hundred dollars (\$100) or less]~~

18 (1) of a petty misdemeanor if the property or  
19 vehicle has a value of one hundred dollars (\$100) or less;

20 (2) of a misdemeanor if the property or vehicle  
21 has a value of over one hundred dollars (\$100) but not more than  
22 one thousand dollars (\$1,000);

23 (3) of a fourth degree felony if the property or  
24 vehicle has a value of over one thousand dollars (\$1,000) but  
25 not more than two thousand five hundred dollars (\$2,500);

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1                   (4) of a third degree felony if the property or  
2 vehicle has a value of over two thousand five hundred dollars  
3 (\$2,500) but not more than twenty thousand dollars (\$20,000);  
4 and

5                   (5) of a second degree felony if the property or  
6 vehicle has a value of over twenty thousand dollars (\$20,000).

7                   B. Failure of the lessee to return the vehicle or  
8 personal property to the place specified within seventy-two  
9 hours after mailing to him by certified mail at his address  
10 shown on the leasing agreement of a written demand to return the  
11 vehicle or personal property shall raise a rebuttable  
12 presumption that the failure to return the vehicle or personal  
13 property was with intent to defraud. "

14                   Section 12. Section 30-36-5 NMSA 1978 (being Laws 1965,  
15 Chapter 114, Section 1) is amended to read:

16                   "30-36-5. PENALTY. -- Any person violating Section [~~40-49-4~~  
17 ~~New Mexico Statutes Annotated, 1953 Compilation]~~ 30-36-4 NMSA  
18 1978 shall be punished as follows:

19                   A. when the amount of the check, draft or order or the  
20 total amount of the checks, drafts or orders [~~are for more than~~  
21 ~~one dollar (\$1.00) but less than twenty five dollars (\$25.00),~~  
22 ~~imprisonment in the county jail for a term of not more than~~  
23 ~~thirty days or a fine of not more than one hundred dollars~~  
24 ~~(\$100), or both such imprisonment and fine]~~ is one hundred  
25 dollars (\$100) or less, the person is guilty of a petty



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1 misdeemeanor;

2 B. when the amount of the check, draft or order or the  
3 total amount of the checks, drafts or orders [~~are for twenty-~~  
4 ~~five dollars (\$25.00) or more, imprisonment in the penitentiary~~  
5 ~~for a term of not less than one year nor more than three years~~  
6 ~~or the payment of a fine of not more than one thousand dollars~~  
7 ~~(\$1,000) or both such imprisonment and fine] is over one hundred  
8 dollars (\$100) but not more than one thousand dollars (\$1,000).  
9 the person is guilty of a misdemeanor;~~

10 C. when the amount of the check, draft or order or the  
11 total amount of the checks, drafts or orders is over one  
12 thousand dollars (\$1,000) but not more than two thousand five  
13 hundred dollars (\$2,500), the person is guilty of a fourth  
14 degree felony;

15 D. when the amount of the check, draft or order or the  
16 total amount of the checks, drafts or orders is over two  
17 thousand five hundred dollars (\$2,500) but not more than twenty  
18 thousand dollars (\$20,000), the person is guilty of a third  
19 degree felony; and

20 E. when the amount of the check, draft or order or the  
21 total amount of the checks, drafts or orders is over twenty  
22 thousand dollars (\$20,000), the person is guilty of a second  
23 degree felony."

24 Section 13. Section 30-50-4 NMSA 1978 (being Laws 1995,  
25 Chapter 37, Section 4) is amended to read:

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1 "30- 50- 4. FRAUDULENT TELEMARKETING-- PENALTIES. -- Any person  
2 who knowingly and willfully engages in telemarketing to or from  
3 a telephone located in New Mexico with the intent to embezzle or  
4 to obtain money, property or any thing of value by fraudulent  
5 pretenses, representations or promises in the course of a  
6 telephone communication, when:

7 A. the money, property or thing has a value of [~~less~~  
8 ~~than two hundred fifty dollars (\$250)~~] one hundred dollars  
9 (\$100) or less, is guilty of a petty misdemeanor and shall be  
10 sentenced pursuant to the provisions of Section 31- 19- 1 NMSA  
11 1978;

12 B. the money, property or thing has a value of [~~two~~  
13 ~~hundred fifty dollars (\$250) or more but less than two thousand~~  
14 ~~five hundred dollars (\$2, 500)~~] more than one hundred dollars  
15 (\$100) but not more than one thousand dollars (\$1, 000), is  
16 guilty of a [~~fourth degree felony~~] misdemeanor and shall be  
17 sentenced pursuant to the provisions of Section [~~31- 18- 15~~]  
18 31- 19- 1 NMSA 1978;

19 C. the money, property or thing has a value of [~~two~~  
20 ~~thousand five hundred dollars (\$2, 500) or more but less than~~  
21 ~~twenty thousand dollars (\$20, 000)~~] more than one thousand  
22 dollars (\$1, 000) but not more than two thousand five hundred  
23 dollars (\$2, 500), is guilty of a [~~third~~] fourth degree felony  
24 and shall be sentenced pursuant to the provisions of Section  
25 31- 18- 15 NMSA 1978; [~~or~~]

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1 D. the money, property or thing has a value of more  
2 than two thousand five hundred dollars (\$2,500) but not more  
3 than twenty thousand dollars (\$20,000), is guilty of a third  
4 degree felony and shall be sentenced pursuant to the provisions  
5 of Section 31-18-15 NMSA 1978; or

6 [D-] E. the money, property or thing has a value of  
7 twenty thousand dollars (\$20,000) or more, is guilty of a second  
8 degree felony and shall be sentenced pursuant to the provisions  
9 of Section 31-18-15 NMSA 1978. "

10 Section 14. EFFECTIVE DATE. --The effective date of the  
11 provisions of this act is July 1, 1997.

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 8, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1186

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 14, between lines 1 and 2, insert the following  
new section:

"Section 10. Section 30-16-36 NMSA 1978 (being Laws 1971,  
Chapter 239, Section 12) is amended to read:

"30-16-36. RECEIPT OF PROPERTY OBTAINED IN VIOLATION OF ACT. -  
Any person who receives the money, goods, services or anything  
else of value obtained in violation of Section [~~40A-16-33 NMSA~~  
~~1953~~] 30-16-33 NMSA 1978, and who knows or has reason to believe  
that it was so obtained, violates this section. The degree of the

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offense is determined as follows:

A. if the value of all things of value obtained from any person ~~[or persons]~~ in violation of this section is one hundred dollars (\$100) or less in any consecutive ~~[six months]~~ six-month period, then the offense is a petty misdemeanor;

B. if the value of all things of value obtained from any person ~~[or persons]~~ in violation of this section is more than one hundred dollars (\$100) but ~~[less than three hundred dollars (\$300)]~~ in any consecutive six months period, then the offense is a fourth degree felony;

~~C. if the value of all things of value obtained from any person or persons in violation of this section is three hundred dollars (\$300) or more in any consecutive six months period, then the offense is a third degree felony]~~ not more than one thousand dollars (\$1,000) in any consecutive six-month period, then the offense is a misdemeanor;

C. if the value of all things of value obtained from any person in violation of this section is more than one thousand dollars (\$1,000) but not more than two thousand five hundred dollars (\$2,500) in any consecutive six-month period, then the offense is a fourth degree felony;

D. if the value of all things of value obtained from any person in violation of this section is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars

Underscored material = new  
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(\$20,000) in any consecutive six-month period, then the offense is a third degree felony; or

E. if the value of all things of value obtained from any person in violation of this section is more than twenty thousand dollars (\$20,000) in any consecutive six-month period, then the offense is a second degree felony."

2. Renumber the succeeding sections accordingly. ,

and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

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Thomas P. Foy, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: King, Luna, Mallory, Pederson, Rios, Sanchez

Absent: None

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 11, 1997**

**Mr. Speaker:**

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred**

**HOUSE BILL 1186, as amended**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Max Coll, Chairman**



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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 1 Against

Yes: 10

No: Buffett

Excused: Heaton, Marquardt, Pearce, Salazar, Taylor, J. P., Varela

Absent: None

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March 21, 1997

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10 Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE BILL 1186, as amended

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has had it under consideration and reports same with

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recommendation that it DO PASS.

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Respectfully submitted,

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\_\_\_\_\_  
Fernando R. Macias, Chairman

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Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 7 For 1 Against

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Yes: 7

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No: Tsosie

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Excused: None

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Absent: None

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