

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 178

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

CISCO McSORLEY

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL LAW; REVISING CRIMINAL PENALTIES FOR
FRAUDULENT REFUSAL TO RETURN A LEASED VEHICLE OR OTHER LEASED
PERSONAL PROPERTY; REVISING CRIMINAL PENALTIES FOR UNLAWFUL
TAKING OF A VEHICLE OR MOTOR VEHICLE.

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

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

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

A. Any person who, after leasing a vehicle or
other personal property under a written agreement which
provides for the return of the vehicle or personal property to
a particular place at a particular time and who, with intent
to defraud the lessor of the vehicle or personal property,

Underscored material = new
[bracketed material] = delete

1 fails to return the vehicle or personal property to the place
2 within the time specified, is guilty:

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

6 ~~(2)]~~ of a petty misdemeanor if the property
7 is not a vehicle and has a value of one hundred dollars (\$100)
8 or less;

9 (2) of a fourth degree felony if the property
10 is not a vehicle and has a value of more than one hundred
11 dollars (\$100) but less than two thousand five hundred dollars
12 (\$2,500);

13 (3) of a fourth degree felony if the vehicle
14 has a value of less than two thousand five hundred dollars
15 (\$2,500); and

16 (4) of a third degree felony if the property
17 or vehicle has a value of two thousand five hundred dollars
18 (\$2,500) or more.

19 B. Failure of the lessee to return the vehicle or
20 personal property to the place specified within seventy-two
21 hours after mailing to him by certified mail at his address
22 shown on the leasing agreement [of] a written demand to return
23 the vehicle or personal property shall raise a rebuttable
24 presumption that the failure to return the vehicle or personal
25 property was with intent to defraud. "

Underscored material = new
[bracketed material] = delete

1 Section 2. Section 66-3-504 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 91) is amended to read:

3 "66-3-504. UNLAWFUL TAKING OF A VEHICLE OR MOTOR
4 VEHICLE. --

5 A. Any person who [~~shall take~~] takes any vehicle
6 or motor vehicle intentionally and without consent of the
7 owner [~~thereof shall be~~] is guilty: [~~of a felony~~]

8 (1) of a fourth degree felony if the vehicle
9 or motor vehicle has a value of less than two thousand five
10 hundred dollars (\$2,500); and

11 (2) of a third degree felony if the vehicle
12 or motor vehicle has a value of two thousand five hundred
13 dollars (\$2,500) or more.

14 B. The consent of the owner of the vehicle or
15 motor vehicle to its taking shall not in any case be presumed
16 or implied because of [~~such~~] the owner's consent on a previous
17 occasion to the taking of [~~such~~] the vehicle or motor vehicle
18 by the same or a different person.

19 [~~B.~~] C. The district courts are [~~hereby~~] given
20 exclusive jurisdiction to hear and try offenses prescribed
21 under this section.

22 [~~C.~~] D. Nothing in this section shall be construed
23 to prohibit the holder of a lien duly recorded with the
24 division from taking possession of a vehicle to which
25 possession [~~said~~] the lienholder is legally entitled under the

Underscored material = new
[bracketed material] = delete

1 provisions of the instrument evidencing [~~such~~] the lien. A
2 holder of a duly recorded lien who takes possession of a
3 vehicle without the knowledge of the owner of [~~such~~] the
4 vehicle shall immediately notify the local police authority of
5 the fact that he has taken possession of the vehicle. "

6 Section 3. EFFECTIVE DATE. --The effective date of the
7 provisions of this act is July 1, 1998.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
4
5

6 January 31, 1998
7

8 Mr. President:
9

10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 178
13

14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 JUDICIARY COMMITTEE.
17

18
19 Respectfully submitted,
20
21
22
23
24

25 _____
Manny M. Aragon, Chairman

Underscored material = new
~~[bracketed material] = delete~~

Adopted _____ Not Adopted _____

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

(Chief Clerk)

(Chief Clerk)

Date _____

S0178CC1

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 February 4, 1998

7
8 Mr. President:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 SENATE BILL 178

13
14 has had it under consideration and reports same with recommendation
15 that it DO PASS.

16
17
18 Respectfully submitted,

19
20
21
22 _____
23 Fernando R. Macias, Chairman
24
25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Sanchez, Tsosie, Vernon

Absent: None

S0178JU1

Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
4
5

6 February 18, 1998
7

8 Mr. Speaker:
9

10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 SENATE BILL 178
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
16

17 Respectfully submitted,
18

19
20 _____
21 Thomas P. Foy, Chairman
22
23
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 10

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 8 For 0 Against

10 Yes: 8

11 Excused: Alwin, Larranaga, Rios, Sanchez, Vaughn

12 Absent: None

13
14 G:\BILLTEXT\BILLW_98\S0178

15
16
17
18
19
20
21
22
23
24
25
Underscored material = new
[bracketed material] = delete

. 121748. 1