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HOUSE BILL 214

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Henry "Kiki" Saavedra

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING CRIMINAL PENALTIES
FOR OFFENDERS WHO ARE CONVICTED A SECOND OR SUBSEQUENT TIME
FOR BURGLARY OR AGGRAVATED BURGLARY; AMENDING SECTIONS OF THE
NMSA 1978L

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

Section 1. Section 30-16-3 NMSA 1978 (being Laws 1963,
Chapter 303, Section 16-3, as amended) is amended to read:

"30-16-3. BURGLARY. -- Burglary consists of the
unauthorized entry of any vehicle, watercraft, aircraft,
dwelling or other structure, movable or immovable, with the
intent to commit any felony or theft therein.

A. Any person who, without authorization, enters a
dwelling house with intent to commit any felony or theft
therein is guilty of a third degree felony. Upon a second or

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 subsequent conviction, the offender is guilty of a second
2 degree felony.

3 B. Any person who, without authorization, enters
4 any vehicle, watercraft, aircraft or other structure, movable
5 or immovable, with intent to commit any felony or theft
6 therein is guilty of a fourth degree felony. "

7 Section 2. Section 30-16-4 NMSA 1978 (being Laws 1963,
8 Chapter 303, Section 16-4) is amended to read:

9 "30-16-4. AGGRAVATED BURGLARY. -- Aggravated burglary
10 consists of the unauthorized entry of any vehicle, watercraft,
11 aircraft, dwelling or other structure, movable or immovable,
12 with intent to commit any felony or theft therein and the
13 person either:

- 14 A. is armed with a deadly weapon;
- 15 B. after entering, arms himself with a deadly
16 weapon; or
- 17 C. commits a battery upon any person while in such
18 place or in entering or leaving such place.

19 Whoever commits aggravated burglary is guilty of a second
20 degree felony. Upon a second or subsequent conviction, the
21 offender is guilty of a first degree felony. "

22 Section 3. EFFECTIVE DATE. -- The effective date of the
23 provisions of this act is July 1, 1999.