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HOUSE BILL 225

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

INTRODUCED BY

R. David Pederson

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL SENTENCING; ENACTING THE SENTENCING STANDARDS ACT; PROVIDING STANDARDS FOR THE IMPOSITION OF CRIMINAL SANCTIONS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1 through 4 of this act may be cited as the "Sentencing Standards Act".

Section 2. [NEW MATERIAL] PURPOSE OF ACT. -- The purpose of the Sentencing Standards Act is to:

- A. establish rational and consistent sentencing standards that reduce disparity in the imposition of sanctions by providing principles for judges to use in determining appropriate criminal sanctions;

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1 B. encourage the use of the severe sanction of
2 imprisonment only when necessary to ensure public safety or
3 provide an appropriate level of punishment; and

4 C. make better use of the finite resources of the
5 state.

6 Section 3. [NEW MATERIAL] DEFINITIONS. --As used in the
7 Sentencing Standards Act:

8 A. "correctional facility" means a state
9 correctional facility, an out-of-state correctional facility,
10 a federal correctional facility or a correctional facility
11 operated by a private company pursuant to a contract with the
12 corrections department;

13 B. "no presumption" means there is no presumption
14 regarding a sentence for a person convicted of a criminal
15 offense because the criminal offense may be committed in a
16 variety of ways. The sentencing court shall decide whether
17 the offender receives a sentence that includes a term of
18 imprisonment in a correctional facility or a sentence that
19 includes alternatives to a term of imprisonment in a
20 correctional facility;

21 C. "presumptive non-prison" means that a person
22 convicted of a criminal offense shall ordinarily receive a
23 sentence that does not include a term of imprisonment in a
24 correctional facility. Instead, the offender shall ordinarily
25 receive a sentence that consists of alternatives to

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1 imprisonment in a correctional facility, including probation,
2 a term of imprisonment in a jail, fines, day fines or other
3 alternatives to imprisonment in a correctional facility;

4 D. "presumptive penalties and fines" means that a
5 person convicted of a criminal offense shall ordinarily
6 receive a sentence that is limited to monetary penalties and
7 fines; and

8 E. "presumptive prison" means that a person
9 convicted of a criminal offense shall ordinarily receive a
10 sentence that includes a term of imprisonment in a
11 correctional facility.

12 Section 4. [NEW MATERIAL] CRIMINAL OFFENSES--PRESUMPTIVE
13 SENTENCES--DEPARTURE FROM A PRESUMPTIVE SENTENCE. --

14 A. When a person is convicted for committing one
15 of the following criminal offenses, the presumptive sentence
16 shall be as follows:

17 (1) murder in the first degree, as provided
18 in Paragraph (1) of Subsection A of Section 30-2-1 NMSA 1978,
19 presumptive prison;

20 (2) attempt to commit murder in the first
21 degree, as provided in Paragraph (1) of Subsection A of
22 Section 30-2-1 NMSA 1978 and Section 30-28-1 NMSA 1978,
23 presumptive prison;

24 (3) conspiracy to commit murder in the first
25 degree, as provided in Paragraph (1) of Subsection A of

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1 Section 30-2-1 NMSA 1978 and Section 30-28-2 NMSA 1978,
2 presumptive prison;

3 (4) solicitation to commit murder in the
4 first degree, as provided in Paragraph (1) of Subsection A of
5 Section 30-2-1 NMSA 1978 and Section 30-28-3 NMSA 1978,
6 presumptive prison;

7 (5) murder in the first degree, as provided
8 in Paragraph (2) of Subsection A of Section 30-2-1 NMSA 1978,
9 presumptive prison;

10 (6) murder in the first degree, as provided
11 in Paragraph (3) of Subsection A of Section 30-2-1 NMSA 1978,
12 presumptive prison;

13 (7) murder in the second degree, as provided
14 in Subsection B of Section 30-2-1 NMSA 1978, presumptive
15 prison;

16 (8) attempt to commit murder in the second
17 degree, as provided in Subsection B of Section 30-2-1 NMSA
18 1978 and Section 30-28-1 NMSA 1978, presumptive prison;

19 (9) conspiracy to commit murder in the second
20 degree, as provided in Subsection B of Section 30-2-1 NMSA
21 1978 and Section 30-28-2 NMSA 1978, presumptive prison;

22 (10) solicitation to commit murder in the
23 second degree, as provided in Subsection B of Section 30-2-1
24 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive prison;

25 (11) voluntary manslaughter, as provided in

1 Subsection A of Section 30-2-3 NMSA 1978, no presumption;

2 (12) attempt to commit voluntary
3 manslaughter, as provided in Subsection A of Section 30-2-3
4 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

5 (13) conspiracy to commit voluntary
6 manslaughter, as provided in Subsection A of Section 30-2-3
7 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

8 (14) solicitation to commit voluntary
9 manslaughter, as provided in Subsection A of Section 30-2-3
10 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

11 (15) involuntary manslaughter, as provided in
12 Subsection B of Section 30-2-3 NMSA 1978, no presumption;

13 (16) conspiracy to commit involuntary
14 manslaughter, as provided in Subsection B of Section 30-2-3
15 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
16 prison;

17 (17) solicitation to commit involuntary
18 manslaughter, as provided in Subsection A of Section 30-2-3
19 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
20 prison;

21 (18) aggravated assault, as provided in
22 Subsection A of Section 30-3-2 NMSA 1978, no presumption;

23 (19) conspiracy to commit aggravated assault,
24 as provided in Subsection A of Section 30-3-2 NMSA 1978 and
25 Section 30-28-2 NMSA 1978, no presumption;

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1 (20) solicitation to commit aggravated
2 assault, as provided in Subsection A of Section 30-3-2 NMSA
3 1978 and Section 30-28-3 NMSA 1978, no presumption;

4 (21) aggravated assault, as provided in
5 Subsection B of Section 30-3-2 NMSA 1978, no presumption;

6 (22) conspiracy to commit aggravated assault,
7 as provided in Subsection B of Section 30-3-2 NMSA 1978 and
8 Section 30-28-2 NMSA 1978, no presumption;

9 (23) solicitation to commit aggravated
10 assault, as provided in Subsection B of Section 30-3-2 NMSA
11 1978 and Section 30-28-3 NMSA 1978, no presumption;

12 (24) aggravated assault, as provided in
13 Subsection C of Section 30-3-2 NMSA 1978, no presumption;

14 (25) conspiracy to commit aggravated assault,
15 as provided in Subsection C of Section 30-3-2 NMSA 1978 and
16 Section 30-28-2 NMSA 1978, no presumption;

17 (26) solicitation to commit aggravated
18 assault, as provided in Subsection C of Section 30-3-2 NMSA
19 1978 and Section 30-28-3 NMSA 1978, no presumption;

20 (27) assault with intent to commit a violent
21 felony, as provided in Section 30-3-3 NMSA 1978, presumptive
22 prison;

23 (28) aggravated battery inflicting great
24 bodily harm, as provided in Subsection C of Section 30-3-5
25 NMSA 1978, presumptive prison;

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1 (29) aggravated battery with a deadly weapon,
2 as provided in Subsection C of Section 30-3-5 NMSA 1978,
3 presumptive prison;

4 (30) aggravated battery whereby great bodily
5 harm or death can be inflicted, as provided in Subsection C of
6 Section 30-3-5 NMSA 1978, no presumption;

7 (31) conspiracy to commit aggravated battery,
8 as provided in Subsection C of Section 30-3-5 NMSA 1978 and
9 Section 30-28-2 NMSA 1978, no presumption;

10 (32) solicitation to commit aggravated
11 battery, as provided in Subsection C of Section 30-3-5 NMSA
12 1978 and Section 30-28-3 NMSA 1978, no presumption;

13 (33) injury to a pregnant woman, as provided
14 in Section 30-3-7 NMSA 1978, no presumption;

15 (34) attempt to commit injury to a pregnant
16 woman, as provided in Sections 30-3-7 and 30-28-1 NMSA 1978,
17 presumptive non-prison;

18 (35) conspiracy to commit injury to a
19 pregnant woman, as provided in Sections 30-3-7 and 30-28-2
20 NMSA 1978, presumptive non-prison;

21 (36) solicitation to commit injury to a
22 pregnant woman, as provided in Sections 30-3-7 and 30-28-3
23 NMSA 1978, presumptive non-prison;

24 (37) shooting at a dwelling or occupied
25 building, as provided in Subsection A of Section 30-3-8 NMSA

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1 1978, presumptive prison;

2 (38) conspiracy to commit shooting at a
3 dwelling or occupied building, as provided in Subsection A of
4 Section 30-3-8 NMSA 1978 and Section 30-28-2 NMSA 1978, no
5 presumption;

6 (39) solicitation to commit shooting at a
7 dwelling or occupied building, as provided in Subsection A of
8 Section 30-3-8 NMSA 1978 and Section 30-28-3 NMSA 1978, no
9 presumption;

10 (40) shooting at or from a motor vehicle not
11 resulting in great bodily harm, as provided in Subsection B of
12 Section 30-3-8 NMSA 1978, no presumption;

13 (41) shooting at or from a motor vehicle
14 resulting in injury, as provided in Subsection B of Section
15 30-3-8 NMSA 1978, presumptive prison;

16 (42) shooting at or from a motor vehicle
17 resulting in great bodily harm, as provided in Subsection B of
18 Section 30-3-8 NMSA 1978, presumptive prison;

19 (43) conspiracy to commit shooting at or from
20 a motor vehicle, as provided in Subsection B of Section 30-3-8
21 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

22 (44) solicitation to commit shooting at or
23 from a motor vehicle, as provided in Subsection B of Section
24 30-3-8 NMSA 1978 and Section 30-28-3 NMSA 1978, no
25 presumption;

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1 (45) aggravated assault upon a school
2 employee, as provided in Paragraph (1) of Subsection C of
3 Section 30-3-9 NMSA 1978, no presumption;

4 (46) attempt to commit aggravated assault
5 upon a school employee, as provided in Paragraph (1) of
6 Subsection C of Section 30-3-9 NMSA 1978 and Section 30-28-1
7 NMSA 1978, no presumption;

8 (47) conspiracy to commit aggravated assault
9 upon a school employee, as provided in Paragraph (1) of
10 Subsection C of Section 30-3-9 NMSA 1978 and Section 30-28-2
11 NMSA 1978, no presumption;

12 (48) solicitation to commit aggravated
13 assault upon a school employee, as provided in Paragraph (1)
14 of Subsection C of Section 30-3-9 NMSA 1978 and Section 30-28-
15 3 NMSA 1978, no presumption;

16 (49) aggravated assault upon a school
17 employee, as provided in Paragraph (2) of Subsection C of
18 Section 30-3-9 NMSA 1978, no presumption;

19 (50) aggravated assault upon a school
20 employee, as provided in Paragraph (3) of Subsection C of
21 Section 30-3-9 NMSA 1978, presumptive prison;

22 (51) assault with intent to commit a violent
23 felony on a school employee, as provided in Subsection D of
24 Section 30-3-9 NMSA 1978, presumptive prison;

25 (52) battery upon a school employee, as

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1 provided in Subsection E of Section 30-3-9 NMSA 1978,
2 presumptive non-prison;

3 (53) conspiracy to commit battery upon a
4 school employee, as provided in Subsection E of Section 30-3-9
5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
6 prison;

7 (54) solicitation to commit battery upon a
8 school employee, as provided in Subsection E of Section 30-3-9
9 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
10 prison;

11 (55) aggravated battery upon a school
12 employee inflicting injury, as provided in Subsection F of
13 Section 30-3-9 NMSA 1978, no presumption;

14 (56) aggravated battery upon a school
15 employee inflicting great bodily harm, as provided in
16 Subsection F of Section 30-3-9 NMSA 1978, presumptive prison;

17 (57) aggravated battery upon a school
18 employee with a deadly weapon, as provided in Subsection F of
19 Section 30-3-9 NMSA 1978, presumptive prison;

20 (58) aggravated battery upon a school
21 employee whereby great bodily harm or death can be inflicted,
22 as provided in Subsection F of Section 30-3-9 NMSA 1978, no
23 presumption;

24 (59) conspiracy to commit aggravated battery
25 upon a school employee, as provided in Subsection F of Section

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1 30-3-9 NMSA 1978 and Section 30-28-2 NMSA 1978, no
2 presumption;

3 (60) solicitation to commit aggravated
4 battery upon a school employee, as provided in Subsection F of
5 Section 30-3-9 NMSA 1978 and Section 30-28-3 NMSA 1978, no
6 presumption;

7 (61) assisting to commit a battery upon a
8 school employee, as provided in Subsection G of Section 30-3-9
9 NMSA 1978, no presumption;

10 (62) aggravated assault against a household
11 member, as provided in Paragraph (1) of Subsection A of
12 Section 30-3-13 NMSA 1978, no presumption;

13 (63) conspiracy to commit aggravated assault
14 against a household member, as provided in Paragraph (1) of
15 Subsection A of Section 30-3-13 NMSA 1978 and Section 30-28-2
16 NMSA 1978, presumptive non-prison;

17 (64) solicitation to commit aggravated
18 assault against a household member, as provided in Paragraph
19 (1) of Subsection A of Section 30-3-13 NMSA 1978 and Section
20 30-28-3 NMSA 1978, presumptive non-prison;

21 (65) aggravated assault against a household
22 member, as provided in Paragraph (2) of Subsection A of
23 Section 30-3-13 NMSA 1978, no presumption;

24 (66) conspiracy to commit aggravated assault
25 against a household member, as provided in Paragraph (2) of

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1 Subsection A of Section 30-3-13 NMSA 1978 and Section 30-28-2
2 NMSA 1978, presumptive non-prison;

3 (67) solicitation to commit aggravated
4 assault against a household member, as provided in Paragraph
5 (2) of Subsection A of Section 30-3-13 NMSA 1978 and Section
6 30-28-3 NMSA 1978, presumptive non-prison;

7 (68) assault against a household member with
8 intent to commit a violent felony, as provided in Section
9 30-3-14 NMSA 1978, no presumption;

10 (69) aggravated battery against a household
11 member inflicting great bodily harm, as provided in Subsection
12 C of Section 30-3-16 NMSA 1978, presumptive prison;

13 (70) aggravated battery against a household
14 member with a deadly weapon, as provided in Subsection C of
15 Section 30-3-16 NMSA 1978, presumptive prison;

16 (71) aggravated battery against a household
17 member whereby great bodily harm or death can be inflicted, as
18 provided in Subsection C of Section 30-3-16 NMSA 1978, no
19 presumption;

20 (72) conspiracy to commit aggravated battery
21 against a household member, as provided in Subsection C of
22 Section 30-3-16 NMSA 1978 and Section 30-28-2 NMSA 1978, no
23 presumption;

24 (73) solicitation to commit aggravated
25 battery against a household member, as provided in Subsection

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1 C of Section 30-3-16 NMSA 1978 and Section 30-28-3 NMSA 1978,
2 no presumption;

3 (74) stalking, second or subsequent
4 conviction, as provided in Subsection C of Section 30-3A-3
5 NMSA 1978, no presumption;

6 (75) kidnapping, as provided in Subsection B
7 of Section 30-4-1 NMSA 1978, presumptive prison;

8 (76) attempt to commit kidnapping, as
9 provided in Subsection B of Section 30-4-1 NMSA 1978 and
10 Section 30-28-1 NMSA 1978, presumptive prison;

11 (77) conspiracy to commit kidnapping, as
12 provided in Subsection B of Section 30-4-1 NMSA 1978 and
13 Section 30-28-2 NMSA 1978, presumptive prison;

14 (78) solicitation to commit kidnapping, as
15 provided in Subsection B of Section 30-4-1 NMSA 1978 and
16 Section 30-28-3 NMSA 1978, presumptive prison;

17 (79) criminal use of ransom, as provided in
18 Section 30-4-2 NMSA 1978, no presumption;

19 (80) attempt to commit criminal use of
20 ransom, as provided in Sections 30-4-2 and 30-28-1 NMSA 1978,
21 presumptive non-prison;

22 (81) conspiracy to commit criminal use of
23 ransom, as provided in Sections 30-4-2 and 30-28-2 NMSA 1978,
24 presumptive non-prison;

25 (82) solicitation to commit criminal use of

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1 ransom, as provided in Sections 30-4-2 and 30-28-3 NMSA 1978,
2 presumptive non-prison;

3 (83) false imprisonment, as provided in
4 Section 30-4-3 NMSA 1978, no presumption;

5 (84) conspiracy to commit false imprisonment,
6 as provided in Sections 30-4-3 and 30-28-2 NMSA 1978,
7 presumptive non-prison;

8 (85) solicitation to commit false
9 imprisonment, as provided in Sections 30-4-3 and 30-28-3 NMSA
10 1978, presumptive non-prison;

11 (86) custodial interference, as provided in
12 Subsection B of Section 30-4-4 NMSA 1978, presumptive non-
13 prison;

14 (87) conspiracy to commit custodial
15 interference, as provided in Subsection B of Section 30-4-4
16 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
17 prison;

18 (88) solicitation to commit custodial
19 interference, as provided in Subsection B of Section 30-4-4
20 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
21 prison;

22 (89) unlawful interference with custody, as
23 provided in Subsection C of Section 30-4-4 NMSA 1978,
24 presumptive non-prison;

25 (90) conspiracy to commit unlawful

1 interference with custody, as provided in Subsection C of
2 Section 30-4-4 NMSA 1978 and Section 30-28-2 NMSA 1978,
3 presumptive non-prison;

4 (91) solicitation to commit unlawful
5 interference with custody, as provided in Subsection C of
6 Section 30-4-4 NMSA 1978 and Section 30-28-3 NMSA 1978,
7 presumptive non-prison;

8 (92) abandonment of a child resulting in
9 death or great bodily harm, as provided in Subsection B of
10 Section 30-6-1 NMSA 1978, no presumption;

11 (93) abuse of a child, as provided in
12 Subsection C of Section 30-6-1 NMSA 1978, no presumption;

13 (94) attempt to commit abuse of a child, as
14 provided in Subsection C of Section 30-6-1 NMSA 1978 and
15 Section 30-28-1 NMSA 1978, no presumption;

16 (95) conspiracy to commit abuse of a child,
17 as provided in Subsection C of Section 30-6-1 NMSA 1978 and
18 Section 30-28-2 NMSA 1978, no presumption;

19 (96) solicitation to commit abuse of a child,
20 as provided in Subsection C of Section 30-6-1 NMSA 1978 and
21 Section 30-28-3 NMSA 1978, no presumption;

22 (97) abandonment of dependent, as provided in
23 Section 30-6-2 NMSA 1978, presumptive non-prison;

24 (98) conspiracy to commit abandonment of
25 dependent, as provided in Sections 30-6-2 and 30-28-2 NMSA

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1 1978, presumptive non-prison;

2 (99) solicitation to commit abandonment of
3 dependent, as provided in Sections 30-6-2 and 30-28-3 NMSA
4 1978, presumptive non-prison;

5 (100) contributing to delinquency of a minor,
6 as provided in Section 30-6-3 NMSA 1978, presumptive non-
7 prison;

8 (101) conspiracy to commit contributing to
9 delinquency of a minor, as provided in Sections 30-6-3 and
10 30-28-2 NMSA 1978, presumptive non-prison;

11 (102) solicitation to commit contributing to
12 delinquency of a minor, as provided in Sections 30-6-3 and
13 30-28-3 NMSA 1978, presumptive non-prison;

14 (103) sexual exploitation of children, as
15 provided in Subsection A of Section 30-6A-3 NMSA 1978, no
16 presumption;

17 (104) conspiracy to commit sexual
18 exploitation of children, as provided in Subsection A of
19 Section 30-6A-3 NMSA 1978 and Section 30-28-2 NMSA 1978, no
20 presumption;

21 (105) solicitation to commit sexual
22 exploitation of children, as provided in Subsection A of
23 Section 30-6A-3 NMSA 1978 and Section 30-28-3 NMSA 1978, no
24 presumption;

25 (106) sexual exploitation of children, as

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1 provided in Subsection B of Section 30-6A-3 NMSA 1978,
2 presumptive prison;

3 (107) attempt to commit sexual exploitation
4 of children, as provided in Subsection B of Section 30-6A-3
5 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

6 (108) conspiracy to commit sexual
7 exploitation of children, as provided in Subsection B of
8 Section 30-6A-3 NMSA 1978 and Section 30-28-2 NMSA 1978, no
9 presumption;

10 (109) solicitation to commit sexual
11 exploitation of children, as provided in Subsection B of
12 Section 30-6A-3 NMSA 1978 and Section 30-28-3 NMSA 1978, no
13 presumption;

14 (110) sexual exploitation of children, as
15 provided in Subsection C of Section 30-6A-3 NMSA 1978,
16 presumptive prison;

17 (111) attempt to commit sexual exploitation
18 of children, as provided in Subsection C of Section 30-6A-3
19 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

20 (112) conspiracy to commit sexual
21 exploitation of children, as provided in Subsection C of
22 Section 30-6A-3 NMSA 1978 and Section 30-28-2 NMSA 1978, no
23 presumption;

24 (113) solicitation to commit sexual
25 exploitation of children, as provided in Subsection C of

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1 Section 30-6A-3 NMSA 1978 and Section 30-28-3 NMSA 1978, no
2 presumption;

3 (114) sexual exploitation of children by
4 prostitution, as provided in Section 30-6A-4 NMSA 1978,
5 presumptive prison;

6 (115) attempt to commit sexual exploitation
7 of children by prostitution, as provided in Sections 30-6A-4
8 and 30-28-1 NMSA 1978, no presumption;

9 (116) conspiracy to commit sexual
10 exploitation of children by prostitution, as provided in
11 Sections 30-6A-4 and 30-28-2 NMSA 1978, no presumption;

12 (117) solicitation to commit sexual
13 exploitation of children by prostitution, as provided in
14 Sections 30-6A-4 and 30-28-3 NMSA 1978, no presumption;

15 (118) unlawful carrying of a deadly weapon on
16 school premises, as provided in Section 30-7-2.1 NMSA 1978, no
17 presumption;

18 (119) conspiracy to commit unlawful carrying
19 of a deadly weapon on school premises, as provided in Sections
20 30-7-2.1 and 30-28-2 NMSA 1978, presumptive non-prison;

21 (120) solicitation to commit unlawful
22 carrying of a deadly weapon on school premises, as provided in
23 Sections 30-7-2.1 and 30-28-3 NMSA 1978, presumptive non-
24 prison;

25 (121) unlawful carrying of a firearm in

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1 licensed liquor establishments, as provided in Section 30-7-3
2 NMSA 1978, presumptive non-prison;

3 (122) conspiracy to commit unlawful carrying
4 of a firearm in licensed liquor establishments, as provided in
5 Sections 30-7-3 and 30-28-2 NMSA 1978, presumptive non-prison;

6 (123) solicitation to commit unlawful
7 carrying of a firearm in licensed liquor establishments, as
8 provided in Sections 30-7-3 and 30-28-3 NMSA 1978, presumptive
9 non-prison;

10 (124) dangerous use of explosives, as
11 provided in Section 30-7-5 NMSA 1978, no presumption;

12 (125) attempt to commit dangerous use of
13 explosives, as provided in Sections 30-7-5 and 30-28-1 NMSA
14 1978, no presumption;

15 (126) conspiracy to commit dangerous use of
16 explosives, as provided in Sections 30-7-5 and 30-28-2 NMSA
17 1978, no presumption;

18 (127) solicitation to commit dangerous use of
19 explosives, as provided in Sections 30-7-5 and 30-28-3 NMSA
20 1978, no presumption;

21 (128) unlawful sale, possession or
22 transportation of explosives, as provided in Subsection B of
23 Section 30-7-7 NMSA 1978, no presumption;

24 (129) conspiracy to commit unlawful sale,
25 possession or transportation of explosives, as provided in

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1 Subsection B of Section 30-7-7 NMSA 1978 and Section 30-28-2
2 NMSA 1978, presumptive non-prison;

3 (130) solicitation to commit unlawful sale,
4 possession or transportation of explosives, as provided in
5 Subsection B of Section 30-7-7 NMSA 1978 and Section 30-28-3
6 NMSA 1978, presumptive non-prison;

7 (131) seizing or exercising control of a bus
8 by force or violence or by threat of force or violence, as
9 provided in Subsection A of Section 30-7-12 NMSA 1978,
10 presumptive prison;

11 (132) attempt to commit seizing or exercising
12 control of a bus by force or violence or by threat of force or
13 violence, as provided in Subsection A of Section 30-7-12 NMSA
14 1978 and Section 30-28-1 NMSA 1978, no presumption;

15 (133) conspiracy to commit seizing or
16 exercising control of a bus by force or violence or by threat
17 of force or violence, as provided in Subsection A of Section
18 30-7-12 NMSA 1978 and Section 30-28-2 NMSA 1978, no
19 presumption;

20 (134) solicitation to commit seizing or
21 exercising control of a bus by force or violence or by threat
22 of force or violence, as provided in Subsection A of Section
23 30-7-12 NMSA 1978 and Section 30-28-3 NMSA 1978, no
24 presumption;

25 (135) intimidating, threatening or assaulting

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1 any driver, attendant, guard or passenger of a bus with the
2 intent of seizing or exercising control of a bus, as provided
3 in Subsection B of Section 30-7-12 NMSA 1978, no presumption;

4 (136) conspiracy to commit intimidating,
5 threatening or assaulting any driver, attendant, guard or
6 passenger of a bus with the intent of seizing or exercising
7 control of a bus, as provided in Subsection B of Section
8 30-7-12 NMSA 1978 and Section 30-28-2 NMSA 1978, no
9 presumption;

10 (137) solicitation to commit intimidating,
11 threatening or assaulting any driver, attendant, guard or
12 passenger of a bus with the intent of seizing or exercising
13 control of a bus, as provided in Subsection B of Section
14 30-7-12 NMSA 1978 and Section 30-28-3 NMSA 1978, no
15 presumption;

16 (138) receipt, transportation or possession
17 of a firearm or destructive device by a felon, as provided in
18 Section 30-7-16 NMSA 1978, no presumption;

19 (139) conspiracy to commit receipt,
20 transportation or possession of a firearm or destructive
21 device by a felon, as provided in Sections 30-7-16 and 30-28-2
22 NMSA 1978, presumptive non-prison;

23 (140) solicitation to commit receipt,
24 transportation or possession of a firearm or destructive
25 device by a felon, as provided in Sections 30-7-16 and 30-28-3

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1 NMSA 1978, presumptive non-prison;

2 (141) possession of explosives, as provided
3 in Section 30-7-19 NMSA 1978, no presumption;

4 (142) conspiracy to commit possession of
5 explosives, as provided in Sections 30-7-19 and 30-28-2 NMSA
6 1978, no presumption;

7 (143) solicitation to commit possession of
8 explosives, as provided in Sections 30-7-19 and 30-28-3 NMSA
9 1978, no presumption;

10 (144) possession of explosive device or
11 incendiary device, as provided in Section 30-7-19.1 NMSA 1978,
12 presumptive non-prison;

13 (145) conspiracy to commit possession of
14 explosive device or incendiary device, as provided in Sections
15 30-7-19.1 and 30-28-2 NMSA 1978, presumptive non-prison;

16 (146) solicitation to commit possession of
17 explosive device or incendiary device, as provided in Sections
18 30-7-19.1 and 30-28-3 NMSA 1978, presumptive non-prison;

19 (147) giving, mailing, sending or placing a
20 false or facsimile bomb or explosive, as provided in Section
21 30-7-20 NMSA 1978, presumptive non-prison;

22 (148) conspiracy to commit giving, mailing,
23 sending or placing a false or facsimile bomb or explosive, as
24 provided in Sections 30-7-20 and 30-28-2 NMSA 1978,
25 presumptive non-prison;

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1 (149) solicitation to commit giving, mailing,
2 sending or placing a false or facsimile bomb or explosive, as
3 provided in Sections 30-7-20 and 30-28-3 NMSA 1978,
4 presumptive non-prison;

5 (150) false report concerning a fire or
6 explosion or placement of explosives causing death or great
7 bodily harm, as provided in Section 30-7-21 NMSA 1978, no
8 presumption;

9 (151) promoting prostitution, as provided in
10 Section 30-9-4 NMSA 1978, presumptive penalties and fines;

11 (152) conspiracy to commit promoting
12 prostitution, as provided in Sections 30-9-4 and 30-28-2 NMSA
13 1978, presumptive penalties and fines;

14 (153) solicitation to commit promoting
15 prostitution, as provided in Sections 30-9-4 and 30-28-3 NMSA
16 1978, presumptive penalties and fines;

17 (154) accepting the earnings of a prostitute,
18 as provided in Section 30-9-4.1 NMSA 1978, presumptive
19 penalties and fines;

20 (155) conspiracy to commit accepting the
21 earnings of a prostitute, as provided in Sections 30-9-4.1 and
22 30-28-2 NMSA 1978, presumptive penalties and fines;

23 (156) solicitation to commit accepting the
24 earnings of a prostitute, as provided in Sections 30-9-4.1 and
25 30-28-3 NMSA 1978, presumptive penalties and fines;

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1 (157) criminal sexual penetration in the
2 first degree, as provided in Subsection C of Section 30-9-11
3 NMSA 1978, presumptive prison;

4 (158) attempt to commit criminal sexual
5 penetration in the first degree, as provided in Subsection C
6 of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978,
7 presumptive prison;

8 (159) conspiracy to commit criminal sexual
9 penetration in the first degree, as provided in Subsection C
10 of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978,
11 presumptive prison;

12 (160) solicitation to commit criminal sexual
13 penetration in the first degree, as provided in Subsection C
14 of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978,
15 presumptive prison;

16 (161) criminal sexual penetration in the
17 second degree, as provided in Paragraph (1) of Subsection D of
18 Section 30-9-11 NMSA 1978, presumptive prison;

19 (162) attempt to commit criminal sexual
20 penetration in the second degree, as provided in Paragraph (1)
21 of Subsection D of Section 30-9-11 NMSA 1978 and Section
22 30-28-1 NMSA 1978, no presumption;

23 (163) conspiracy to commit criminal sexual
24 penetration in the second degree, as provided in Paragraph (1)
25 of Subsection D of Section 30-9-11 NMSA 1978 and Section

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1 30-28-2 NMSA 1978, no presumption;

2 (164) solicitation to commit criminal sexual
3 penetration in the second degree, as provided in Paragraph (1)
4 of Subsection D of Section 30-9-11 NMSA 1978 and Section

5 30-28-3 NMSA 1978, no presumption;

6 (165) criminal sexual penetration in the
7 second degree, as provided in Paragraph (2) of Subsection D of
8 Section 30-9-11 NMSA 1978, no presumption;

9 (166) attempt to commit criminal sexual
10 penetration in the second degree, as provided in Paragraph (2)
11 of Subsection D of Section 30-9-11 NMSA 1978 and Section

12 30-28-1 NMSA 1978, no presumption;

13 (167) conspiracy to commit criminal sexual
14 penetration in the second degree, as provided in Paragraph (2)
15 of Subsection D of Section 30-9-11 NMSA 1978 and Section

16 30-28-2 NMSA 1978, no presumption;

17 (168) solicitation to commit criminal sexual
18 penetration in the second degree, as provided in Paragraph (2)
19 of Subsection D of Section 30-9-11 NMSA 1978 and Section

20 30-28-3 NMSA 1978, no presumption;

21 (169) criminal sexual penetration in the
22 second degree, as provided in Paragraph (3) of Subsection D of
23 Section 30-9-11 NMSA 1978, presumptive prison;

24 (170) attempt to commit criminal sexual
25 penetration in the second degree, as provided in Paragraph (3)

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1 of Subsection D of Section 30-9-11 NMSA 1978 and Section
2 30-28-1 NMSA 1978, no presumption;

3 (171) conspiracy to commit criminal sexual
4 penetration in the second degree, as provided in Paragraph (3)
5 of Subsection D of Section 30-9-11 NMSA 1978 and Section
6 30-28-2 NMSA 1978, no presumption;

7 (172) solicitation to commit criminal sexual
8 penetration in the second degree, as provided in Paragraph (3)
9 of Subsection D of Section 30-9-11 NMSA 1978 and Section
10 30-28-3 NMSA 1978, no presumption;

11 (173) criminal sexual penetration in the
12 second degree, as provided in Paragraph (4) of Subsection D of
13 Section 30-9-11 NMSA 1978, presumptive prison;

14 (174) attempt to commit criminal sexual
15 penetration in the second degree, as provided in Paragraph (4)
16 of Subsection D of Section 30-9-11 NMSA 1978 and Section
17 30-28-1 NMSA 1978, no presumption;

18 (175) conspiracy to commit criminal sexual
19 penetration in the second degree, as provided in Paragraph (4)
20 of Subsection D of Section 30-9-11 NMSA 1978 and Section
21 30-28-2 NMSA 1978, no presumption;

22 (176) solicitation to commit criminal sexual
23 penetration in the second degree, as provided in Paragraph (4)
24 of Subsection D of Section 30-9-11 NMSA 1978 and Section
25 30-28-3 NMSA 1978, no presumption;

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1 (177) criminal sexual penetration in the
2 second degree, as provided in Paragraph (5) of Subsection D of
3 Section 30-9-11 NMSA 1978, presumptive prison;

4 (178) attempt to commit criminal sexual
5 penetration in the second degree, as provided in Paragraph (5)
6 of Subsection D of Section 30-9-11 NMSA 1978 and Section
7 30-28-1 NMSA 1978, no presumption;

8 (179) conspiracy to commit criminal sexual
9 penetration in the second degree, as provided in Paragraph (5)
10 of Subsection D of Section 30-9-11 NMSA 1978 and Section
11 30-28-2 NMSA 1978, no presumption;

12 (180) solicitation to commit criminal sexual
13 penetration in the second degree, as provided in Paragraph (5)
14 of Subsection D of Section 30-9-11 NMSA 1978 and Section
15 30-28-3 NMSA 1978, no presumption;

16 (181) criminal sexual penetration in the
17 second degree, as provided in Paragraph (6) of Subsection D of
18 Section 30-9-11 NMSA 1978, presumptive prison;

19 (182) attempt to commit criminal sexual
20 penetration in the second degree, as provided in Paragraph (6)
21 of Subsection D of Section 30-9-11 NMSA 1978 and Section
22 30-28-1 NMSA 1978, no presumption;

23 (183) conspiracy to commit criminal sexual
24 penetration in the second degree, as provided in Paragraph (6)
25 of Subsection D of Section 30-9-11 NMSA 1978 and Section

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1 30-28-2 NMSA 1978, no presumption;

2 (184) solicitation to commit criminal sexual
3 penetration in the second degree, as provided in Paragraph (6)
4 of Subsection D of Section 30-9-11 NMSA 1978 and Section

5 30-28-3 NMSA 1978, no presumption;

6 (185) criminal sexual penetration in the
7 third degree, as provided in Subsection E of Section 30-9-11
8 NMSA 1978, no presumption;

9 (186) attempt to commit criminal sexual
10 penetration in the third degree, as provided in Subsection E
11 of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, no
12 presumption;

13 (187) conspiracy to commit criminal sexual
14 penetration in the third degree, as provided in Subsection E
15 of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978,
16 presumptive non-prison;

17 (188) solicitation to commit criminal sexual
18 penetration in the third degree, as provided in Subsection E
19 of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978,
20 presumptive non-prison;

21 (189) criminal sexual penetration in the
22 fourth degree, as provided in Subsection F of Section 30-9-11
23 NMSA 1978, no presumption;

24 (190) conspiracy to commit criminal sexual
25 penetration in the fourth degree, as provided in Subsection F

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1 of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978,
2 presumptive non-prison;

3 (191) solicitation to commit criminal sexual
4 penetration in the fourth degree, as provided in Subsection F
5 of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978,
6 presumptive non-prison;

7 (192) criminal sexual contact in the fourth
8 degree, as provided in Paragraph (1) of Subsection C of
9 Section 30-9-12 NMSA 1978, presumptive prison;

10 (193) conspiracy to commit criminal sexual
11 contact in the fourth degree, as provided in Paragraph (1) of
12 Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-2
13 NMSA 1978, no presumption;

14 (194) solicitation to commit criminal sexual
15 contact in the fourth degree, as provided in Paragraph (1) of
16 Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-3
17 NMSA 1978, no presumption;

18 (195) criminal sexual contact in the fourth
19 degree, as provided in Paragraph (2) of Subsection C of
20 Section 30-9-12 NMSA 1978, no presumption;

21 (196) conspiracy to commit criminal sexual
22 contact in the fourth degree, as provided in Paragraph (2) of
23 Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-2
24 NMSA 1978, presumptive non-prison;

25 (197) solicitation to commit criminal sexual

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1 contact in the fourth degree, as provided in Paragraph (2) of
2 Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-3
3 NMSA 1978, no presumption;

4 (198) criminal sexual contact in the fourth
5 degree, as provided in Paragraph (3) of Subsection C of
6 Section 30-9-12 NMSA 1978, presumptive prison;

7 (199) conspiracy to commit criminal sexual
8 contact in the fourth degree, as provided in Paragraph (3) of
9 Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-2
10 NMSA 1978, no presumption;

11 (200) solicitation to commit criminal sexual
12 contact in the fourth degree, as provided in Paragraph (3) of
13 Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-3
14 NMSA 1978, no presumption;

15 (201) criminal sexual contact of a minor in
16 the third degree, as provided in Subsection A of Section
17 30-9-13 NMSA 1978, presumptive prison;

18 (202) attempt to commit criminal sexual
19 contact of a minor in the third degree, as provided in
20 Subsection A of Section 30-9-13 NMSA 1978 and Section 30-28-1
21 NMSA 1978, no presumption;

22 (203) conspiracy to commit criminal sexual
23 contact of a minor in the third degree, as provided in
24 Subsection A of Section 30-9-13 NMSA 1978 and Section 30-28-2
25 NMSA 1978, no presumption;

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1 (204) solicitation to commit criminal sexual
2 contact of a minor in the third degree, as provided in
3 Subsection A of Section 30-9-13 NMSA 1978 and Section 30-28-3
4 NMSA 1978, no presumption;

5 (205) criminal sexual contact of a minor in
6 the fourth degree, as provided in Subsection B of Section
7 30-9-13 NMSA 1978, no presumption;

8 (206) conspiracy to commit criminal sexual
9 contact of a minor in the fourth degree, as provided in
10 Subsection B of Section 30-9-13 NMSA 1978 and Section 30-28-2
11 NMSA 1978, presumptive non-prison;

12 (207) solicitation to commit criminal sexual
13 contact of a minor in the fourth degree, as provided in
14 Subsection B of Section 30-9-13 NMSA 1978 and Section 30-28-3
15 NMSA 1978, presumptive non-prison;

16 (208) aggravated indecent exposure, as
17 provided in Section 30-9-14.3 NMSA 1978, no presumption;

18 (209) bigamy, as provided in Section 30-10-1
19 NMSA 1978, presumptive penalties and fines;

20 (210) conspiracy to commit bigamy, as
21 provided in Sections 30-10-1 and 30-28-2 NMSA 1978,
22 presumptive penalties and fines;

23 (211) solicitation to commit bigamy, as
24 provided in Sections 30-10-1 and 30-28-3 NMSA 1978,
25 presumptive penalties and fines;

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1 (212) incest, as provided in Section 30-10-3
2 NMSA 1978, no presumption;

3 (213) attempt to commit incest, as provided
4 in Sections 30-10-3 and 30-28-1 NMSA 1978, no presumption;

5 (214) conspiracy to commit incest, as
6 provided in Sections 30-10-3 and 30-28-2 NMSA 1978, no
7 presumption;

8 (215) solicitation to commit incest, as
9 provided in Sections 30-10-3 and 30-28-3 NMSA 1978,
10 presumptive non-prison;

11 (216) disturbing a marked burial ground, as
12 provided in Section 30-12-12 NMSA 1978, presumptive penalties
13 and fines;

14 (217) breaking and entering, as provided in
15 Section 30-14-8 NMSA 1978, presumptive non-prison;

16 (218) conspiracy to commit breaking and
17 entering, as provided in Sections 30-14-8 and 30-28-2 NMSA
18 1978, presumptive non-prison;

19 (219) solicitation to commit breaking and
20 entering, as provided in Sections 30-14-8 and 30-28-3 NMSA
21 1978, presumptive non-prison;

22 (220) criminal damage to property when the
23 damage to the property amounts to more than one thousand
24 dollars (\$1,000), as provided in Section 30-15-1 NMSA 1978,
25 presumptive non-prison;

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1 (221) conspiracy to commit criminal damage to
2 property when the damage to the property amounts to more than
3 one thousand dollars (\$1,000), as provided in Sections 30-15-1
4 and 30-28-2 NMSA 1978, presumptive penalties and fines;

5 (222) solicitation to commit criminal damage
6 to property when the damage to the property amounts to more
7 than one thousand dollars (\$1,000), as provided in Sections
8 30-15-1 and 30-28-3 NMSA 1978, presumptive penalties and
9 fines;

10 (223) unauthorized graffiti on personal or
11 real property, as provided in Subsection C of Section
12 30-15-1.1 NMSA 1978, presumptive non-prison;

13 (224) conspiracy to commit unauthorized
14 graffiti on personal or real property, as provided in
15 Subsection C of Section 30-15-1.1 NMSA 1978 and Section
16 30-28-2 NMSA 1978, presumptive penalties and fines;

17 (225) solicitation to commit unauthorized
18 graffiti on personal or real property, as provided in
19 Subsection C of Section 30-15-1.1 NMSA 1978 and Section
20 30-28-3 NMSA 1978, presumptive penalties and fines;

21 (226) damaging insured property, as provided
22 in Section 30-15-3 NMSA 1978, presumptive non-prison;

23 (227) conspiracy to commit damaging insured
24 property, as provided in Sections 30-15-3 and 30-28-2 NMSA
25 1978, presumptive penalties and fines;

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1 (228) solicitation to commit damaging insured
2 property, as provided in Sections 30-15-3 and 30-28-3 NMSA
3 1978, presumptive penalties and fines;

4 (229) desecration of a church when the damage
5 to the church amounts to more than one thousand dollars
6 (\$1,000), as provided in Section 30-15-4 NMSA 1978,
7 presumptive non-prison;

8 (230) conspiracy to commit desecration of a
9 church when the damage to the church amounts to more than one
10 thousand dollars (\$1,000), as provided in Sections 30-15-4 and
11 30-28-2 NMSA 1978, presumptive penalties and fines;

12 (231) solicitation to commit desecration of a
13 church when the damage to the church amounts to more than one
14 thousand dollars (\$1,000), as provided in Sections 30-15-4 and
15 30-28-3 NMSA 1978, presumptive penalties and fines;

16 (232) larceny when the value of the property
17 stolen is over two hundred fifty dollars (\$250) but not more
18 than two thousand five hundred dollars (\$2,500), as provided
19 in Section 30-16-1 NMSA 1978, presumptive non-prison;

20 (233) conspiracy to commit larceny when the
21 value of the property stolen is over two hundred fifty dollars
22 (\$250) but not more than two thousand five hundred dollars
23 (\$2,500), as provided in Sections 30-16-1 and 30-28-2 NMSA
24 1978, presumptive penalties and fines;

25 (234) solicitation to commit larceny when the

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1 value of the property stolen is over two hundred fifty dollars
2 (\$250) but not more than two thousand five hundred dollars
3 (\$2,500), as provided in Sections 30-16-1 and 30-28-3 NMSA
4 1978, presumptive penalties and fines;

5 (235) larceny when the value of the property
6 stolen is over two thousand five hundred dollars (\$2,500) but
7 not more than twenty thousand dollars (\$20,000), as provided
8 in Section 30-16-1 NMSA 1978, presumptive non-prison;

9 (236) attempt to commit larceny when the
10 value of the property stolen is over two thousand five hundred
11 dollars (\$2,500) but not more than twenty thousand dollars
12 (\$20,000), as provided in Sections 30-16-1 and 30-28-1 NMSA
13 1978, presumptive penalties and fines;

14 (237) conspiracy to commit larceny when the
15 value of the property stolen is over two thousand five hundred
16 dollars (\$2,500) but not more than twenty thousand dollars
17 (\$20,000), as provided in Sections 30-16-1 and 30-28-2 NMSA
18 1978, presumptive penalties and fines;

19 (238) solicitation to commit larceny when the
20 value of the property stolen is over two thousand five hundred
21 dollars (\$2,500) but not more than twenty thousand dollars
22 (\$20,000), as provided in Sections 30-16-1 and 30-28-3 NMSA
23 1978, presumptive penalties and fines;

24 (239) larceny when the value of the property
25 stolen is over twenty thousand dollars (\$20,000), as provided

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1 in Section 30-16-1 NMSA 1978, no presumption;

2 (240) attempt to commit larceny when the
3 value of the property stolen is over twenty thousand dollars
4 (\$20,000), as provided in Sections 30-16-1 and 30-28-1 NMSA
5 1978, presumptive non-prison;

6 (241) conspiracy to commit larceny when the
7 value of the property stolen is over twenty thousand dollars
8 (\$20,000), as provided in Sections 30-16-1 and 30-28-2 NMSA
9 1978, presumptive non-prison;

10 (242) solicitation to commit larceny when the
11 value of the property stolen is over twenty thousand dollars
12 (\$20,000), as provided in Sections 30-16-1 and 30-28-3 NMSA
13 1978, presumptive non-prison;

14 (243) larceny when the property of value
15 stolen is livestock, as provided in Section 30-16-1 NMSA 1978,
16 presumptive non-prison;

17 (244) attempt to commit larceny when the
18 property of value stolen is livestock, as provided in Sections
19 30-16-1 and 30-28-1 NMSA 1978, presumptive penalties and
20 fines;

21 (245) conspiracy to commit larceny when the
22 property of value stolen is livestock, as provided in Sections
23 30-16-1 and 30-28-2 NMSA 1978, presumptive penalties and
24 fines;

25 (246) solicitation to commit larceny when the

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1 property of value stolen is livestock, as provided in Sections
2 30-16-1 and 30-28-3 NMSA 1978, presumptive penalties and
3 fines;

4 (247) larceny when the property of value
5 stolen is a firearm when its value is less than two thousand
6 five hundred dollars (\$2,500), as provided in Section 30-16-1
7 NMSA 1978, presumptive non-prison;

8 (248) conspiracy to commit larceny when the
9 property of value stolen is a firearm when its value is less
10 than two thousand five hundred dollars (\$2,500), as provided
11 in Sections 30-16-1 and 30-28-2 NMSA 1978, presumptive
12 penalties and fines;

13 (249) solicitation to commit larceny when the
14 property of value stolen is a firearm when its value is less
15 than two thousand five hundred dollars (\$2,500), as provided
16 in Sections 30-16-1 and 30-28-3 NMSA 1978, presumptive
17 penalties and fines;

18 (250) robbery, as provided in Section 30-16-2
19 NMSA 1978, presumptive prison;

20 (251) attempt to commit robbery, as provided
21 in Sections 30-16-2 and 30-28-1 NMSA 1978, no presumption;

22 (252) conspiracy to commit robbery, as
23 provided in Sections 30-16-2 and 30-28-2 NMSA 1978, no
24 presumption;

25 (253) solicitation to commit robbery, as

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1 provided in Sections 30-16-2 and 30-28-3 NMSA 1978, no
2 presumption;

3 (254) robbery while armed with a deadly
4 weapon, first offense, as provided in Section 30-16-2 NMSA
5 1978, presumptive prison;

6 (255) attempt to commit robbery while armed
7 with a deadly weapon, first offense, as provided in Sections
8 30-16-2 and 30-28-1 NMSA 1978, no presumption;

9 (256) conspiracy to commit robbery while
10 armed with a deadly weapon, first offense, as provided in
11 Sections 30-16-2 and 30-28-2 NMSA 1978, no presumption;

12 (257) solicitation to commit robbery while
13 armed with a deadly weapon, first offense, as provided in
14 Sections 30-16-2 and 30-28-3 NMSA 1978, no presumption;

15 (258) robbery while armed with a deadly
16 weapon, second offense, as provided in Section 30-16-2 NMSA
17 1978, presumptive prison;

18 (259) attempt to commit robbery while armed
19 with a deadly weapon, second offense, as provided in Sections
20 30-16-2 and 30-28-1 NMSA 1978, presumptive prison;

21 (260) conspiracy to commit robbery while
22 armed with a deadly weapon, second offense, as provided in
23 Sections 30-16-2 and 30-28-2 NMSA 1978, presumptive prison;

24 (261) solicitation to commit robbery while
25 armed with a deadly weapon, second offense, as provided in

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1 Sections 30-16-2 and 30-28-3 NMSA 1978, presumptive prison;

2 (262) burglary, as provided in Subsection A
3 of Section 30-16-3 NMSA 1978, no presumption;

4 (263) attempt to commit burglary, as provided
5 in Subsection A of Section 30-16-3 NMSA 1978 and Section
6 30-28-1 NMSA 1978, presumptive non-prison;

7 (264) conspiracy to commit burglary, as
8 provided in Subsection A of Section 30-16-3 NMSA 1978 and
9 Section 30-28-2 NMSA 1978, presumptive non-prison;

10 (265) solicitation to commit burglary, as
11 provided in Subsection A of Section 30-16-3 NMSA 1978 and
12 Section 30-28-3 NMSA 1978, presumptive non-prison;

13 (266) burglary, as provided in Subsection B
14 of Section 30-16-3 NMSA 1978, presumptive non-prison;

15 (267) conspiracy to commit burglary, as
16 provided in Subsection B of Section 30-16-3 NMSA 1978 and
17 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

18 (268) solicitation to commit burglary, as
19 provided in Subsection B of Section 30-16-3 NMSA 1978 and
20 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

21 (269) aggravated burglary, as provided in
22 Subsection A of Section 30-16-4 NMSA 1978, no presumption;

23 (270) attempt to commit aggravated burglary,
24 as provided in Subsection A of Section 30-16-4 NMSA 1978 and
25 Section 30-28-1 NMSA 1978, no presumption;

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1 (271) conspiracy to commit aggravated
2 burglary, as provided in Subsection A of Section 30-16-4 NMSA
3 1978 and Section 30-28-2 NMSA 1978, no presumption;

4 (272) solicitation to commit aggravated
5 burglary, as provided in Subsection A of Section 30-16-4 NMSA
6 1978 and Section 30-28-3 NMSA 1978, no presumption;

7 (273) aggravated burglary, as provided in
8 Subsection B of Section 30-16-4 NMSA 1978, no presumption;

9 (274) attempt to commit aggravated burglary,
10 as provided in Subsection B of Section 30-16-4 NMSA 1978 and
11 Section 30-28-1 NMSA 1978, no presumption;

12 (275) conspiracy to commit aggravated
13 burglary, as provided in Subsection B of Section 30-16-4 NMSA
14 1978 and Section 30-28-2 NMSA 1978, no presumption;

15 (276) solicitation to commit aggravated
16 burglary, as provided in Subsection B of Section 30-16-4 NMSA
17 1978 and Section 30-28-3 NMSA 1978, no presumption;

18 (277) aggravated burglary, as provided in
19 Subsection C of Section 30-16-4 NMSA 1978, presumptive prison;

20 (278) attempt to commit aggravated burglary,
21 as provided in Subsection C of Section 30-16-4 NMSA 1978 and
22 Section 30-28-1 NMSA 1978, no presumption;

23 (279) conspiracy to commit aggravated
24 burglary, as provided in Subsection C of Section 30-16-4 NMSA
25 1978 and Section 30-28-2 NMSA 1978, no presumption;

underscored material = new
[bracketed material] = del ete

1 (280) solicitation to commit aggravated
2 burglary, as provided in Subsection C of Section 30-16-4 NMSA
3 1978 and Section 30-28-3 NMSA 1978, no presumption;

4 (281) possession of burglary tools, as
5 provided in Section 30-16-5 NMSA 1978, presumptive penalties
6 and fines;

7 (282) conspiracy to commit possession of
8 burglary tools, as provided in Sections 30-16-5 and 30-28-2
9 NMSA 1978, presumptive penalties and fines;

10 (283) solicitation to commit possession of
11 burglary tools, as provided in Sections 30-16-5 and 30-28-3
12 NMSA 1978, presumptive penalties and fines;

13 (284) fraud when the value of the property
14 stolen is over two hundred fifty dollars (\$250) but not more
15 than two thousand five hundred dollars (\$2,500), as provided
16 in Section 30-16-6 NMSA 1978, presumptive non-prison;

17 (285) conspiracy to commit fraud when the
18 value of the property misappropriated is over two hundred
19 fifty dollars (\$250) but not more than two thousand five
20 hundred dollars (\$2,500), as provided in Sections 30-16-6 and
21 30-28-2 NMSA 1978, presumptive penalties and fines;

22 (286) solicitation to commit fraud when the
23 value of the property misappropriated is over two hundred
24 fifty dollars (\$250) but not more than two thousand five
25 hundred dollars (\$2,500), as provided in Sections 30-16-6 and

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1 30-28-3 NMSA 1978, presumptive penalties and fines;

2 (287) fraud when the property of value
3 misappropriated is a firearm, as provided in Section 30-16-6
4 NMSA 1978, presumptive non-prison;

5 (288) conspiracy to commit fraud when the
6 property of value misappropriated is a firearm, as provided in
7 Sections 30-16-6 and 30-28-2 NMSA 1978, presumptive penalties
8 and fines;

9 (289) solicitation to commit fraud when the
10 property of value misappropriated is a firearm, as provided in
11 Sections 30-16-6 and 30-28-3 NMSA 1978, presumptive penalties
12 and fines;

13 (290) fraud when the value of the property
14 misappropriated is over two thousand five hundred dollars
15 (\$2,500) but not more than twenty thousand dollars (\$20,000),
16 as provided in Section 30-16-6 NMSA 1978, presumptive non-
17 prison;

18 (291) attempt to commit fraud when the value
19 of the property misappropriated is over two thousand five
20 hundred dollars (\$2,500) but not more than twenty thousand
21 dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-1
22 NMSA 1978, presumptive penalties and fines;

23 (292) conspiracy to commit fraud when the
24 value of the property misappropriated is over two thousand
25 five hundred dollars (\$2,500) but not more than twenty

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1 thousand dollars (\$20,000), as provided in Sections 30-16-6
2 and 30-28-2 NMSA 1978, presumptive penalties and fines;

3 (293) solicitation to commit fraud when the
4 value of the property misappropriated is over two thousand
5 five hundred dollars (\$2,500) but not more than twenty
6 thousand dollars (\$20,000), as provided in Sections 30-16-6
7 and 30-28-3 NMSA 1978, presumptive penalties and fines;

8 (294) fraud when the value of the property
9 misappropriated is over twenty thousand dollars (\$20,000), as
10 provided in Sections 30-16-6 NMSA 1978, no presumption;

11 (295) attempt to commit fraud when the value
12 of the property misappropriated is over twenty thousand
13 dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-1
14 NMSA 1978, presumptive non-prison;

15 (296) conspiracy to commit fraud when the
16 value of the property misappropriated is over twenty thousand
17 dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-2
18 NMSA 1978, presumptive non-prison;

19 (297) solicitation to commit fraud when the
20 value of the property misappropriated is over twenty thousand
21 dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-3
22 NMSA 1978, presumptive non-prison;

23 (298) unlawful dealing in federal food
24 coupons or WIC checks when the value of the food coupons or
25 WIC checks involved is over two hundred fifty dollars (\$250)

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1 but not more than two thousand five hundred dollars (\$2,500),
2 as provided in Section 30-16-7 NMSA 1978, presumptive
3 penalties and fines;

4 (299) conspiracy to commit unlawful dealing
5 in federal food coupons or WIC checks when the value of the
6 food coupons or WIC checks involved is over two hundred fifty
7 dollars (\$250) but not more than two thousand five hundred
8 dollars (\$2,500), as provided in Sections 30-16-7 and 30-28-2
9 NMSA 1978, presumptive penalties and fines;

10 (300) solicitation to commit unlawful dealing
11 in federal food coupons or WIC checks when the value of the
12 food coupons or WIC checks involved is over two hundred fifty
13 dollars (\$250) but not more than two thousand five hundred
14 dollars (\$2,500), as provided in Sections 30-16-7 and 30-28-3
15 NMSA 1978, presumptive penalties and fines;

16 (301) unlawful dealing in federal food
17 coupons or WIC checks when the value of the food coupons or
18 WIC checks involved is over two thousand five hundred dollars
19 (\$2,500) but not more than twenty thousand dollars (\$20,000),
20 as provided in Section 30-16-7 NMSA 1978, presumptive non-
21 prison;

22 (302) attempt to commit unlawful dealing in
23 federal food coupons or WIC checks when the value of the food
24 coupons or WIC checks involved is over two thousand five
25 hundred dollars (\$2,500) but not more than twenty thousand

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1 dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-1
2 NMSA 1978, presumptive penalties and fines;

3 (303) conspiracy to commit unlawful dealing
4 in federal food coupons or WIC checks when the value of the
5 food coupons or WIC checks involved is over two thousand five
6 hundred dollars (\$2,500) but not more than twenty thousand
7 dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-2
8 NMSA 1978, presumptive penalties and fines;

9 (304) solicitation to commit unlawful dealing
10 in federal food coupons or WIC checks when the value of the
11 food coupons or WIC checks involved is over two thousand five
12 hundred dollars (\$2,500) but not more than twenty thousand
13 dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-3
14 NMSA 1978, presumptive penalties and fines;

15 (305) unlawful dealing in federal food
16 coupons or WIC checks when the value of the food coupons or
17 WIC checks involved is over twenty thousand dollars (\$20,000),
18 as provided in Section 30-16-7 NMSA 1978, no presumption;

19 (306) attempt to commit unlawful dealing in
20 federal food coupons or WIC checks when the value of the food
21 coupons or WIC checks involved is over twenty thousand dollars
22 (\$20,000), as provided in Sections 30-16-7 and 30-28-1 NMSA
23 1978, presumptive non-prison;

24 (307) conspiracy to commit unlawful dealing
25 in federal food coupons or WIC checks when the value of the

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1 food coupons or WIC checks involved is over twenty thousand
2 dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-2
3 NMSA 1978, presumptive non-prison;

4 (308) solicitation to commit unlawful dealing
5 in federal food coupons or WIC checks when the value of the
6 food coupons or WIC checks involved is over twenty thousand
7 dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-3
8 NMSA 1978, presumptive non-prison;

9 (309) embezzlement when the value of the
10 thing embezzled or converted is over two hundred fifty dollars
11 (\$250) but not more than two thousand five hundred dollars
12 (\$2,500), as provided in Section 30-16-8 NMSA 1978,
13 presumptive non-prison;

14 (310) conspiracy to commit embezzlement when
15 the value of the thing embezzled or converted is over two
16 hundred fifty dollars (\$250) but not more than two thousand
17 five hundred dollars (\$2,500), as provided in Sections 30-16-8
18 and 30-28-2 NMSA 1978, presumptive penalties and fines;

19 (311) solicitation to commit embezzlement
20 when the value of the thing embezzled or converted is over two
21 hundred fifty dollars (\$250) but not more than two thousand
22 five hundred dollars (\$2,500), as provided in Sections 30-16-8
23 and 30-28-3 NMSA 1978, presumptive penalties and fines;

24 (312) embezzlement when the value of the
25 thing embezzled or converted is over two thousand five hundred

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1 dollars (\$2,500) but not more than twenty thousand dollars
2 (\$20,000), as provided in Section 30-16-8 NMSA 1978,
3 presumptive non-prison;

4 (313) attempt to commit embezzlement when the
5 value of the thing embezzled or converted is over two thousand
6 five hundred dollars (\$2,500) but not more than twenty
7 thousand dollars (\$20,000), as provided in Sections 30-16-8
8 and 30-28-1 NMSA 1978, presumptive penalties and fines;

9 (314) conspiracy to commit embezzlement when
10 the value of the thing embezzled or converted is over two
11 thousand five hundred dollars (\$2,500) but not more than
12 twenty thousand dollars (\$20,000), as provided in Sections
13 30-16-8 and 30-28-2 NMSA 1978, presumptive penalties and
14 fines;

15 (315) solicitation to commit embezzlement
16 when the value of the thing embezzled or converted is over two
17 thousand five hundred dollars (\$2,500) but not more than
18 twenty thousand dollars (\$20,000), as provided in Sections
19 30-16-8 and 30-28-3 NMSA 1978, presumptive penalties and
20 fines;

21 (316) embezzlement when the value of the
22 thing embezzled or converted is over twenty thousand dollars
23 (\$20,000), as provided in Section 30-16-8 NMSA 1978, no
24 presumption;

25 (317) attempt to commit embezzlement when the

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1 value of the thing embezzled or converted is over twenty
2 thousand dollars (\$20,000), as provided in Sections 30-16-8
3 and 30-28-1 NMSA 1978, presumptive non-prison;

4 (318) conspiracy to commit embezzlement when
5 the value of the thing embezzled or converted is over twenty
6 thousand dollars (\$20,000), as provided in Sections 30-16-8
7 and 30-28-2 NMSA 1978, presumptive non-prison;

8 (319) solicitation to commit embezzlement
9 when the value of the thing embezzled or converted is over
10 twenty thousand dollars (\$20,000), as provided in Sections 30-
11 16-8 and 30-28-3 NMSA 1978, presumptive non-prison;

12 (320) extortion, as provided in Section
13 30-16-9 NMSA 1978, presumptive non-prison;

14 (321) attempt to commit extortion, as
15 provided in Sections 30-16-9 and 30-28-1 NMSA 1978,
16 presumptive non-prison;

17 (322) conspiracy to commit extortion, as
18 provided in Sections 30-16-9 and 30-28-2 NMSA 1978,
19 presumptive non-prison;

20 (323) solicitation to commit extortion, as
21 provided in Sections 30-16-9 and 30-28-3 NMSA 1978,
22 presumptive non-prison;

23 (324) forgery, as provided in Section 30-16-
24 10 NMSA 1978, presumptive non-prison;

25 (325) attempt to commit forgery, as provided

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1 in Sections 30-16-10 and 30-28-1 NMSA 1978, presumptive
2 penalties and fines;

3 (326) conspiracy to commit forgery, as
4 provided in Sections 30-16-10 and 30-28-2 NMSA 1978,
5 presumptive penalties and fines;

6 (327) solicitation to commit forgery, as
7 provided in Sections 30-16-10 and 30-28-3 NMSA 1978,
8 presumptive penalties and fines;

9 (328) receiving stolen property, as provided
10 in Subsection F of Section 30-16-11 NMSA 1978, presumptive
11 non-prison;

12 (329) conspiracy to commit receiving stolen
13 property, as provided in Subsection F of Section 30-16-11 NMSA
14 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and
15 fines;

16 (330) solicitation to commit receiving stolen
17 property, as provided in Subsection F of Section 30-16-11 NMSA
18 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and
19 fines;

20 (331) receiving stolen property, as provided
21 in Subsection G of Section 30-16-11 NMSA 1978, presumptive
22 non-prison;

23 (332) attempt to commit receiving stolen
24 property, as provided in Subsection G of Section 30-16-11 NMSA
25 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and

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1 fines;

2 (333) conspiracy to commit receiving stolen
3 property, as provided in Subsection G of Section 30-16-11 NMSA
4 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and
5 fines;

6 (334) solicitation to commit receiving stolen
7 property, as provided in Subsection G of Section 30-16-11 NMSA
8 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and
9 fines;

10 (335) receiving stolen property, as provided
11 in Subsection H of Section 30-16-11 NMSA 1978, no presumption;

12 (336) attempt to commit receiving stolen
13 property, as provided in Subsection H of Section 30-16-11 NMSA
14 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

15 (337) conspiracy to commit receiving stolen
16 property, as provided in Subsection H of Section 30-16-11 NMSA
17 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

18 (338) solicitation to commit receiving stolen
19 property, as provided in Subsection H of Section 30-16-11 NMSA
20 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

21 (339) receiving stolen property, as provided
22 in Subsection I of Section 30-16-11 NMSA 1978, presumptive
23 non-prison;

24 (340) conspiracy to commit receiving stolen
25 property, as provided in Subsection I of Section 30-16-11 NMSA

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1 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and
2 fines;

3 (341) solicitation to commit receiving stolen
4 property, as provided in Subsection I of Section 30-16-11 NMSA
5 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and
6 fines;

7 (342) falsely obtaining services, as provided
8 in Paragraph (3) of Subsection C of Section 30-16-16 NMSA
9 1978, presumptive non-prison;

10 (343) conspiracy to commit falsely obtaining
11 services, as provided in Paragraph (3) of Subsection C of
12 Section 30-16-16 NMSA 1978 and Section 30-28-2 NMSA 1978,
13 presumptive penalties and fines;

14 (344) solicitation to commit falsely
15 obtaining services, as provided in Paragraph (3) of Subsection
16 C of Section 30-16-16 NMSA 1978 and Section 30-28-3 NMSA 1978,
17 presumptive penalties and fines;

18 (345) falsely obtaining services, as provided
19 in Paragraph (4) of Subsection C of Section 30-16-16 NMSA
20 1978, presumptive non-prison;

21 (346) attempt to commit falsely obtaining
22 services, as provided in Paragraph (4) of Subsection C of
23 Section 30-16-16 NMSA 1978 and Section 30-28-1 NMSA 1978,
24 presumptive penalties and fines;

25 (347) conspiracy to commit falsely obtaining

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1 services, as provided in Paragraph (4) of Subsection C of
2 Section 30-16-16 NMSA 1978 and Section 30-28-2 NMSA 1978,
3 presumptive penalties and fines;

4 (348) solicitation to commit falsely
5 obtaining services, as provided in Paragraph (4) of Subsection
6 C of Section 30-16-16 NMSA 1978 and Section 30-28-3 NMSA 1978,
7 presumptive penalties and fines;

8 (349) falsely obtaining services, as provided
9 in Paragraph (5) of Subsection C of Section 30-16-16 NMSA
10 1978, no presumption;

11 (350) attempt to commit falsely obtaining
12 services, as provided in Paragraph (5) of Subsection C of
13 Section 30-16-16 NMSA 1978 and Section 30-28-1 NMSA 1978,
14 presumptive non-prison;

15 (351) conspiracy to commit falsely obtaining
16 services, as provided in Paragraph (5) of Subsection C of
17 Section 30-16-16 NMSA 1978 and Section 30-28-2 NMSA 1978,
18 presumptive non-prison;

19 (352) solicitation to commit falsely
20 obtaining services, as provided in Paragraph (5) of Subsection
21 C of Section 30-16-16 NMSA 1978 and Section 30-28-3 NMSA 1978,
22 presumptive non-prison;

23 (353) improper sale, disposal, removal or
24 concealing of encumbered property where the value of such
25 property is over two hundred fifty dollars (\$250) but not more

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1 than two thousand five hundred dollars (\$2,500), as provided
2 in Section 30-16-18 NMSA 1978, presumptive non-prison;

3 (354) conspiracy to commit improper sale,
4 disposal, removal or concealing of encumbered property where
5 the value of such property is over two hundred fifty dollars
6 (\$250) but not more than two thousand five hundred dollars
7 (\$2,500), as provided in Sections 30-16-18 and 30-28-2 NMSA
8 1978, presumptive penalties and fines;

9 (355) solicitation to commit improper sale,
10 disposal, removal or concealing of encumbered property where
11 the value of such property is over two hundred fifty dollars
12 (\$250) but not more than two thousand five hundred dollars
13 (\$2,500), as provided in Sections 30-16-18 and 30-28-3 NMSA
14 1978, presumptive penalties and fines;

15 (356) improper sale, disposal, removal or
16 concealing of encumbered property where the value of such
17 property is over two thousand five hundred dollars (\$2,500)
18 but not more than twenty thousand dollars (\$20,000), as
19 provided in Section 30-16-18 NMSA 1978, presumptive non-
20 prison;

21 (357) attempt to commit improper sale,
22 disposal, removal or concealing of encumbered property where
23 the value of such property is over two thousand five hundred
24 dollars (\$2,500) but not more than twenty thousand dollars
25 (\$20,000), as provided in Sections 30-16-18 and 30-28-1 NMSA

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1 1978, presumptive penalties and fines;

2 (358) conspiracy to commit improper sale,
3 disposal, removal or concealing of encumbered property where
4 the value of such property is over two thousand five hundred
5 dollars (\$2,500) but not more than twenty thousand dollars
6 (\$20,000), as provided in Sections 30-16-1 and 30-28-2 NMSA
7 1978, presumptive penalties and fines;

8 (359) solicitation to commit improper sale,
9 disposal, removal or concealing of encumbered property where
10 the value of such property is over two thousand five hundred
11 dollars (\$2,500) but not more than twenty thousand dollars
12 (\$20,000), as provided in Sections 30-16-18 and 30-28-3 NMSA
13 1978, presumptive penalties and fines;

14 (360) improper sale, disposal, removal or
15 concealing of encumbered property where the value of such
16 property is over twenty thousand dollars (\$20,000), as
17 provided in Section 30-16-18 NMSA 1978, no presumption;

18 (361) attempt to commit improper sale,
19 disposal, removal or concealing of encumbered property where
20 the value of such property is over twenty thousand dollars
21 (\$20,000), as provided in Sections 30-16-18 and 30-28-1 NMSA
22 1978, presumptive non-prison;

23 (362) conspiracy to commit improper sale,
24 disposal, removal or concealing of encumbered property where
25 the value of such property is over twenty thousand dollars

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1 (\$20,000), as provided in Sections 30-16-18 and 30-28-2 NMSA
2 1978, presumptive non-prison;

3 (363) solicitation to commit improper sale,
4 disposal, removal or concealing of encumbered property where
5 the value of such property is over twenty thousand dollars
6 (\$20,000), as provided in Sections 30-16-18 and 30-28-3 NMSA
7 1978, presumptive non-prison;

8 (364) shoplifting, as provided in Paragraph
9 (3) of Subsection B of Section 30-16-20 NMSA 1978, presumptive
10 non-prison;

11 (365) conspiracy to commit shoplifting, as
12 provided in Paragraph (3) of Subsection B of Section 30-16-20
13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
14 and fines;

15 (366) solicitation to commit shoplifting, as
16 provided in Paragraph (3) of Subsection B of Section 30-16-20
17 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
18 and fines;

19 (367) shoplifting, as provided in Paragraph
20 (4) of Subsection B of Section 30-16-20 NMSA 1978, presumptive
21 non-prison;

22 (368) attempt to commit shoplifting, as
23 provided in Paragraph (4) of Subsection B of Section 30-16-20
24 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties
25 and fines;

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1 (369) conspiracy to commit falsely obtaining
2 services, as provided in Paragraph (4) of Subsection B of
3 Section 30-16-20 NMSA 1978 and Section 30-28-2 NMSA 1978,
4 presumptive penalties and fines;

5 (370) solicitation to commit shoplifting, as
6 provided in Paragraph (4) of Subsection B of Section 30-16-20
7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
8 and fines;

9 (371) falsely obtaining services, as provided
10 in Paragraph (5) of Subsection B of Section 30-16-20 NMSA
11 1978, no presumption;

12 (372) attempt to commit shoplifting, as
13 provided in Paragraph (5) of Subsection B of Section 30-16-20
14 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-
15 prison;

16 (373) conspiracy to commit shoplifting, as
17 provided in Paragraph (5) of Subsection B of Section 30-16-20
18 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
19 prison;

20 (374) solicitation to commit shoplifting, as
21 provided in Paragraph (5) of Subsection B of Section 30-16-20
22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
23 prison;

24 (375) theft of a credit card by taking or
25 retaining possession of card taken, as provided in Section

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1 30-16-26 NMSA 1978, presumptive non-prison;

2 (376) conspiracy to commit theft of a credit
3 card by taking or retaining possession of card taken, as
4 provided in Sections 30-16-26 and 30-28-2 NMSA 1978,
5 presumptive penalties and fines;

6 (377) solicitation to commit theft of a
7 credit card by taking or retaining possession of card taken,
8 as provided in Sections 30-16-26 and 30-28-3 NMSA 1978,
9 presumptive penalties and fines;

10 (378) fraudulent transfer or receipt of a
11 credit card, as provided in Section 30-16-28 NMSA 1978,
12 presumptive non-prison;

13 (379) conspiracy to commit fraudulent
14 transfer or receipt of a credit card, as provided in Sections
15 30-16-28 and 30-28-2 NMSA 1978, presumptive penalties and
16 fines;

17 (380) solicitation to commit fraudulent
18 transfer or receipt of a credit card, as provided in Sections
19 30-16-28 and 30-28-3 NMSA 1978, presumptive penalties and
20 fines;

21 (381) dealing in credit cards of another, as
22 provided in Section 30-16-30 NMSA 1978, presumptive non-
23 prison;

24 (382) attempt to commit dealing in credit
25 cards of another, as provided in Sections 30-16-30 and 30-28-1

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1 NMSA 1978, presumptive penalties and fines;

2 (383) conspiracy to commit dealing in credit
3 cards of another, as provided in Sections 30-16-30 and 30-28-2

4 NMSA 1978, presumptive penalties and fines;

5 (384) solicitation to commit dealing in
6 credit cards of another, as provided in Sections 30-16-30 and
7 30-28-3 NMSA 1978, presumptive penalties and fines;

8 (385) forgery of a credit card, as provided
9 in Section 30-16-31 NMSA 1978, presumptive non-prison;

10 (386) conspiracy to commit forgery of a
11 credit card, as provided in Sections 30-16-31 and 30-28-2 NMSA
12 1978, presumptive penalties and fines;

13 (387) solicitation to commit forgery of a
14 credit card, as provided in Sections 30-16-31 and 30-28-3 NMSA
15 1978, presumptive penalties and fines;

16 (388) fraudulent signing of credit cards or
17 sales slips or agreements, as provided in Section 30-16-32
18 NMSA 1978, presumptive non-prison;

19 (389) conspiracy to commit fraudulent signing
20 of credit cards or sales slips or agreements, as provided in
21 Sections 30-16-32 and 30-28-2 NMSA 1978, presumptive penalties
22 and fines;

23 (390) solicitation to commit fraudulent
24 signing of credit cards or sales slips or agreements, as
25 provided in Sections 30-16-32 and 30-28-3 NMSA 1978,

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1 presumptive penalties and fines;

2 (391) fraudulent use of credit cards, as
3 provided in Subsection A of Section 30-16-33 NMSA 1978,
4 presumptive non-prison;

5 (392) conspiracy to commit fraudulent use of
6 credit cards, as provided in Subsection A of Section 30-16-33
7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
8 and fines;

9 (393) solicitation to commit fraudulent use
10 of credit cards, as provided in Subsection A of Section 30-16-
11 33 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
12 penalties and fines;

13 (394) fraudulent use of credit cards, as
14 provided in Subsection B of Section 30-16-33 NMSA 1978,
15 presumptive non-prison;

16 (395) attempt to commit fraudulent use of
17 credit cards, as provided in Subsection B of Section 30-16-33
18 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties
19 and fines;

20 (396) conspiracy to commit fraudulent use of
21 credit cards, as provided in Subsection B of Section 30-16-33
22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
23 and fines;

24 (397) solicitation to commit fraudulent use
25 of credit cards, as provided in Subsection B of Section 30-16-

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1 33 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
2 penalties and fines;

3 (398) fraudulent acts by merchants or their
4 employees, as provided in Subsection A of Section 30-16-34
5 NMSA 1978, presumptive non-prison;

6 (399) conspiracy to commit fraudulent acts by
7 merchants or their employees, as provided in Subsection A of
8 Section 30-16-34 NMSA 1978 and Section 30-28-2 NMSA 1978,
9 presumptive penalties and fines;

10 (400) solicitation to commit fraudulent acts
11 by merchants or their employees, as provided in Subsection A
12 of Section 30-16-34 NMSA 1978 and Section 30-28-3 NMSA 1978,
13 presumptive penalties and fines;

14 (401) fraudulent acts by merchants or their
15 employees, as provided in Subsection B of Section 30-16-34
16 NMSA 1978, presumptive non-prison;

17 (402) attempt to commit fraudulent acts by
18 merchants or their employees, as provided in Subsection B of
19 Section 30-16-34 NMSA 1978 and Section 30-28-1 NMSA 1978,
20 presumptive penalties and fines;

21 (403) conspiracy to commit fraudulent acts by
22 merchants or their employees, as provided in Subsection B of
23 Section 30-16-34 NMSA 1978 and Section 30-28-2 NMSA 1978,
24 presumptive penalties and fines;

25 (404) solicitation to commit fraudulent acts

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1 by merchants or their employees, as provided in Subsection B
2 of Section 30-16-34 NMSA 1978 and Section 30-28-3 NMSA 1978,
3 presumptive penalties and fines;

4 (405) possession of four or more incomplete
5 credit cards, with intent to defraud, as provided in
6 Subsection A of Section 30-16-35 NMSA 1978, presumptive non-
7 prison;

8 (406) conspiracy to commit possession of four
9 or more incomplete credit cards, with intent to defraud, as
10 provided in Subsection A of Section 30-16-35 NMSA 1978 and
11 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

12 (407) solicitation to commit possession of
13 four or more incomplete credit cards, with intent to defraud,
14 as provided in Subsection A of Section 30-16-35 NMSA 1978 and
15 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

16 (408) possession of machinery, plates or
17 other contrivance designed to reproduce instruments purporting
18 to be credit cards, with intent to defraud, as provided in
19 Subsection B of Section 30-16-35 NMSA 1978, presumptive non-
20 prison;

21 (409) conspiracy to commit possession of
22 machinery, plates or other contrivance designed to reproduce
23 instruments purporting to be credit cards, with intent to
24 defraud, as provided in Subsection B of Section 30-16-35 NMSA
25 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and

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1 fines;

2 (410) solicitation to commit possession of
3 machinery, plates or other contrivance designed to reproduce
4 instruments purporting to be credit cards, with intent to
5 defraud, as provided in Subsection B of Section 30-16-35 NMSA
6 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and
7 fines;

8 (411) receipt of property obtained in
9 violation of Section 30-16-33 NMSA 1978, as provided in
10 Subsection B of Section 30-16-36 NMSA 1978, presumptive non-
11 prison;

12 (412) conspiracy to commit receipt of
13 property obtained in violation of Section 30-16-33 NMSA 1978,
14 as provided in Subsection B of Section 30-16-36 NMSA 1978 and
15 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

16 (413) solicitation to commit receipt of
17 property obtained in violation of Section 30-16-33 NMSA 1978,
18 as provided in Subsection B of Section 30-16-36 NMSA 1978 and
19 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

20 (414) receipt of property obtained in
21 violation of Section 30-16-33 NMSA 1978, as provided in
22 Subsection C of Section 30-16-36 NMSA 1978, presumptive non-
23 prison;

24 (415) attempt to commit receipt of property
25 obtained in violation of Section 30-16-33 NMSA 1978, as

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1 provided in Subsection C of Section 30-16-36 NMSA 1978 and
2 Section 30-28-1 NMSA 1978, presumptive penalties and fines;

3 (416) conspiracy to commit receipt of
4 property obtained in violation of Section 30-16-33 NMSA 1978,
5 as provided in Subsection C of Section 30-16-36 NMSA 1978 and
6 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

7 (417) solicitation to commit receipt of
8 property obtained in violation of Section 30-16-33 NMSA 1978,
9 as provided in Subsection C of Section 30-16-36 NMSA 1978 and
10 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

11 (418) obtaining fraudulently acquired
12 transportation ticket at a discount, as provided in Section
13 30-16-37 NMSA 1978, presumptive penalties and fines;

14 (419) conspiracy to commit obtaining
15 fraudulently acquired transportation ticket at a discount, as
16 provided in Sections 30-16-37 and 30-28-2 NMSA 1978,
17 presumptive penalties and fines;

18 (420) solicitation to commit obtaining
19 fraudulently acquired transportation ticket at a discount, as
20 provided in Sections 30-16-37 and 30-28-3 NMSA 1978,
21 presumptive penalties and fines;

22 (421) fraudulent acts to obtain or retain
23 possession of rented or leased vehicle or other personal
24 property, as provided in Subsection A of Section 30-16-39 NMSA
25 1978, presumptive penalties and fines;

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1 (422) conspiracy to commit fraudulent acts to
2 obtain or retain possession of rented or leased vehicle or
3 other personal property, as provided in Subsection A of
4 Section 30-16-39 NMSA 1978 and Section 30-28-2 NMSA 1978,
5 presumptive penalties and fines;

6 (423) solicitation to commit fraudulent acts
7 to obtain or retain possession of rented or leased vehicle or
8 other personal property, as provided in Subsection A of
9 Section 30-16-39 NMSA 1978 and Section 30-28-3 NMSA 1978,
10 presumptive penalties and fines;

11 (424) fraudulent refusal to return a leased
12 vehicle or other personal property, as provided in Paragraph
13 (2) of Subsection A of Section 30-16-40 NMSA 1978, presumptive
14 penalties and fines;

15 (425) conspiracy to commit fraudulent refusal
16 to return a leased vehicle or other personal property, as
17 provided in Paragraph (2) of Subsection A of Section 30-16-40
18 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
19 and fines;

20 (426) solicitation to commit fraudulent
21 refusal to return a leased vehicle or other personal property,
22 as provided in Paragraph (2) of Subsection A of Section
23 30-16-40 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
24 penalties and fines;

25 (427) fraudulent refusal to return a leased

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1 vehicle or other personal property, as provided in Paragraph
2 (3) of Subsection A of Section 30-16-40 NMSA 1978, presumptive
3 penalties and fines;

4 (428) conspiracy to commit fraudulent refusal
5 to return a leased vehicle or other personal property, as
6 provided in Paragraph (3) of Subsection A of Section 30-16-40
7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
8 and fines;

9 (429) solicitation to commit fraudulent
10 refusal to return a leased vehicle or other personal property,
11 as provided in Paragraph (3) of Subsection A of Section
12 30-16-40 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
13 penalties and fines;

14 (430) fraudulent refusal to return a leased
15 vehicle or other personal property, as provided in Paragraph
16 (4) of Subsection A of Section 30-16-40 NMSA 1978, presumptive
17 penalties and fines;

18 (431) conspiracy to commit fraudulent refusal
19 to return a leased vehicle or other personal property, as
20 provided in Paragraph (4) of Subsection A of Section 30-16-40
21 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
22 and fines;

23 (432) solicitation to commit fraudulent
24 refusal to return a leased vehicle or other personal property,
25 as provided in Paragraph (4) of Subsection A of Section

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1 30-16-40 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
2 penalties and fines;

3 (433) unauthorized recording, as provided in
4 Paragraph (1) of Subsection B of Section 30-16B-3 NMSA 1978,
5 presumptive penalties and fines;

6 (434) advertising, offering for sale or
7 resale, selling, reselling, leasing or possessing for any of
8 these purposes, any recording that the person knows does not
9 contain the true name of the manufacturer in a prominent place
10 on the cover, jacket or label of the recording, as provided in
11 Paragraph (1) of Subsection B of Section 30-16B-4 NMSA 1978,
12 presumptive penalties and fines;

13 (435) unauthorized recording of live
14 performances, as provided in Paragraph (1) of Subsection B of
15 Section 30-16B-3 NMSA 1978, presumptive penalties and fines;

16 (436) arson, as provided in Paragraph (2) of
17 Subsection A of Section 30-17-5 NMSA 1978, presumptive non-
18 prison;

19 (437) conspiracy to commit arson, as provided
20 in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978
21 and Section 30-28-2 NMSA 1978, presumptive penalties and
22 fines;

23 (438) solicitation to commit arson, as
24 provided in Paragraph (2) of Subsection A of Section 30-17-5
25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties

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1 and fines;

2 (439) arson, as provided in Paragraph (3) of
3 Subsection A of Section 30-17-5 NMSA 1978, no presumption;

4 (440) attempt to commit arson, as provided in
5 Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978 and
6 Section 30-28-1 NMSA 1978, presumptive non-prison;

7 (441) conspiracy to commit arson, as provided
8 in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978
9 and Section 30-28-2 NMSA 1978, presumptive non-prison;

10 (442) solicitation to commit arson, as
11 provided in Paragraph (2) of Subsection A of Section 30-17-5
12 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
13 prison;

14 (443) negligent arson, as provided in
15 Subsection B of Section 30-17-5 NMSA 1978, presumptive non-
16 prison;

17 (444) conspiracy to commit negligent arson,
18 as provided in Subsection B of Section 30-17-5 NMSA 1978 and
19 Section 30-28-2 NMSA 1978, presumptive non-prison;

20 (445) solicitation to commit negligent arson,
21 as provided in Subsection B of Section 30-17-5 NMSA 1978 and
22 Section 30-28-3 NMSA 1978, presumptive non-prison;

23 (446) aggravated arson, as provided in
24 Section 30-17-6 NMSA 1978, presumptive prison;

25 (447) attempt to commit aggravated arson, as

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1 provided in Sections 30-17-6 and 30-28-1 NMSA 1978, no
2 presumption;

3 (448) conspiracy to commit aggravated arson,
4 as provided in Sections 30-17-6 and 30-28-2 NMSA 1978, no
5 presumption;

6 (449) solicitation to commit aggravated
7 arson, as provided in Sections 30-17-6 and 30-28-3 NMSA 1978,
8 no presumption;

9 (450) unlawful branding, as provided in
10 Section 30-18-3 NMSA 1978, presumptive non-prison;

11 (451) conspiracy to commit unlawful branding,
12 as provided in Sections 30-18-3 and 30-28-2 NMSA 1978,
13 presumptive penalties and fines;

14 (452) solicitation to commit unlawful
15 branding, as provided in Sections 30-18-3 and 30-28-3 NMSA
16 1978, presumptive penalties and fines;

17 (453) transporting stolen livestock, as
18 provided in Section 30-18-6 NMSA 1978, presumptive non-prison;

19 (454) conspiracy to commit transporting
20 stolen livestock, as provided in Sections 30-18-6 and 30-28-2
21 NMSA 1978, presumptive penalties and fines;

22 (455) solicitation to commit transporting
23 stolen livestock, as provided in Sections 30-18-6 and 30-28-3
24 NMSA 1978, presumptive penalties and fines;

25 (456) dog fighting, as provided in Section

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1 30-18-9 NMSA 1978, presumptive penalties and fines;

2 (457) conspiracy to commit dog fighting, as
3 provided in Sections 30-18-9 and 30-28-2 NMSA 1978,
4 presumptive penalties and fines;

5 (458) solicitation to commit dog fighting, as
6 provided in Sections 30-18-9 and 30-28-3 NMSA 1978,
7 presumptive penalties and fines;

8 (459) unlawful tripping of an equine, as
9 provided in Subsection E of Section 30-18-11 NMSA 1978,
10 presumptive penalties and fines;

11 (460) conspiracy to commit unlawful tripping
12 of an equine, as provided in Subsection E of Section 30-18-11
13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
14 and fines;

15 (461) solicitation to commit unlawful
16 tripping of an equine, as provided in Subsection E of Section
17 30-18-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
18 penalties and fines;

19 (462) commercial gambling, as provided in
20 Section 30-19-3 NMSA 1978, presumptive penalties and fines;

21 (463) conspiracy to commit commercial
22 gambling, as provided in Sections 30-19-3 and 30-28-2 NMSA
23 1978, presumptive penalties and fines;

24 (464) solicitation to commit commercial
25 gambling, as provided in Sections 30-19-3 and 30-28-3 NMSA

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1 1978, presumptive penalties and fines;

2 (465) bribery of participant in a contest, as
3 provided in Section 30-19-13 NMSA 1978, presumptive penalties
4 and fines;

5 (466) conspiracy to commit bribery of
6 participant in a contest, as provided in Sections 30-19-13 and
7 30-28-2 NMSA 1978, presumptive penalties and fines;

8 (467) solicitation to commit bribery of
9 participant in a contest, as provided in Sections 30-19-13 and
10 30-28-3 NMSA 1978, presumptive penalties and fines;

11 (468) accepting for profit anything of value
12 to be transmitted or delivered for gambling, as provided in
13 Section 30-19-15 NMSA 1978, presumptive penalties and fines;

14 (469) conspiracy to commit accepting for
15 profit anything of value to be transmitted or delivered for
16 gambling, as provided in Sections 30-19-15 and 30-28-2 NMSA
17 1978, presumptive penalties and fines;

18 (470) solicitation to commit accepting for
19 profit anything of value to be transmitted or delivered for
20 gambling, as provided in Sections 30-19-15 and 30-28-3 NMSA
21 1978, presumptive penalties and fines;

22 (471) failing, during a state of emergency,
23 to comply with restrictions imposed by proclamation of the
24 governor under the Riot Control Act upon conviction of a
25 second or subsequent offense, as provided in Section 30-20-8

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1 NMSA 1978, presumptive penalties and fines;

2 (472) conspiracy to commit failing, during a
3 state of emergency, to comply with restrictions imposed by
4 proclamation of the governor under the Riot Control Act upon
5 conviction of a second or subsequent offense, as provided in
6 Sections 30-20-8 and 30-28-2 NMSA 1978, presumptive penalties
7 and fines;

8 (473) solicitation to commit failing, during
9 a state of emergency, to comply with restrictions imposed by
10 proclamation of the governor under the Riot Control Act upon
11 conviction of a second or subsequent offense, as provided in
12 Sections 30-20-8 and 30-28-3 NMSA 1978, presumptive penalties
13 and fines;

14 (474) dueling, as provided in Section 30-20-
15 11 NMSA 1978, presumptive non-prison;

16 (475) conspiracy to commit dueling, as
17 provided in Sections 30-20-11 and 30-28-2 NMSA 1978,
18 presumptive penalties and fines;

19 (476) solicitation to commit dueling, as
20 provided in Sections 30-20-11 and 30-28-3 NMSA 1978,
21 presumptive penalties and fines;

22 (477) use of telephone to terrify,
23 intimidate, threaten, harass, annoy or offend, second or
24 subsequent offense, as provided in Section 30-20-12 NMSA 1978,
25 no presumption;

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1 (478) conspiracy to commit use of telephone
2 to terrify, intimidate, threaten, harass, annoy or offend,
3 second or subsequent offense, as provided in Sections 30-20-12
4 and 30-28-2 NMSA 1978, presumptive non-prison;

5 (479) solicitation to commit use of telephone
6 to terrify, intimidate, threaten, harass, annoy or offend,
7 second or subsequent offense, as provided in Sections 30-20-12
8 and 30-28-3 NMSA 1978, presumptive non-prison;

9 (480) making a bomb scare, as provided in
10 Section 30-20-16 NMSA 1978, presumptive penalties and fines;

11 (481) conspiracy to commit making a bomb
12 scare, as provided in Sections 30-20-16 and 30-28-2 NMSA 1978,
13 presumptive penalties and fines;

14 (482) solicitation to commit making a bomb
15 scare, as provided in Sections 30-20-16 and 30-28-3 NMSA 1978,
16 presumptive penalties and fines;

17 (483) antiterrorism, as provided in Section
18 30-20A-3 NMSA 1978, presumptive non-prison;

19 (484) sabotage, as provided in Section 30-21-
20 1 NMSA 1978, presumptive prison;

21 (485) attempt to commit sabotage, as provided
22 in Sections 30-21-1 and 30-28-1 NMSA 1978, no presumption;

23 (486) conspiracy to commit sabotage, as
24 provided in Sections 30-21-1 and 30-28-2 NMSA 1978, no
25 presumption;

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1 (487) solicitation to commit sabotage, as
2 provided in Sections 30-21-1 and 30-28-3 NMSA 1978, no
3 presumption;

4 (488) harboring or aiding a felon, as
5 provided in Section 30-22-4 NMSA 1978, no presumption;

6 (489) conspiracy to commit harboring or
7 aiding a felon, as provided in Sections 30-22-4 and 30-28-2
8 NMSA 1978, presumptive non-prison;

9 (490) solicitation to commit harboring or
10 aiding a felon, as provided in Sections 30-22-4 and 30-28-3
11 NMSA 1978, presumptive non-prison;

12 (491) tampering with evidence, as provided in
13 Section 30-22-5 NMSA 1978, presumptive non-prison;

14 (492) conspiracy to commit tampering with
15 evidence, as provided in Sections 30-22-5 and 30-28-2 NMSA
16 1978, presumptive penalties and fines;

17 (493) solicitation to commit tampering with
18 evidence, as provided in Sections 30-22-5 and 30-28-3 NMSA
19 1978, presumptive penalties and fines;

20 (494) unlawful rescue of a person charged
21 with or convicted of a crime not constituting a capital
22 felony, or who is charged with but not convicted of a capital
23 felony, as provided in Section 30-22-7 NMSA 1978, presumptive
24 prison;

25 (495) attempt to commit unlawful rescue of a

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1 person charged with or convicted of a crime not constituting a
2 capital felony, or who is charged with but not convicted of a
3 capital felony, as provided in Sections 30-22-7 and 30-28-1
4 NMSA 1978, no presumption;

5 (496) conspiracy to commit unlawful rescue of
6 a person charged with or convicted of a crime not constituting
7 a capital felony, or who is charged with but not convicted of
8 a capital felony, as provided in Sections 30-22-7 and 30-28-2
9 NMSA 1978, no presumption;

10 (497) solicitation to commit unlawful rescue
11 of a person charged with or convicted of a crime not
12 constituting a capital felony, or who is charged with but not
13 convicted of a capital felony, as provided in Sections 30-22-7
14 and 30-28-3 NMSA 1978, no presumption;

15 (498) unlawful rescue of an individual
16 convicted of a capital felony, as provided in Section 30-22-7
17 NMSA 1978, presumptive prison;

18 (499) attempt to commit unlawful rescue of an
19 individual convicted of a capital felony, as provided in
20 Sections 30-22-7 and 30-28-1 NMSA 1978, presumptive prison;

21 (500) conspiracy to commit unlawful rescue of
22 an individual convicted of a capital felony, as provided in
23 Sections 30-22-7 and 30-28-2 NMSA 1978, presumptive prison;

24 (501) solicitation to commit unlawful rescue
25 of an individual convicted of a capital felony, as provided in

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1 Sections 30-22-7 and 30-28-3 NMSA 1978, presumptive prison;

2 (502) escape from jail, as provided in

3 Section 30-22-8 NMSA 1978, no presumption;

4 (503) conspiracy to commit escape from jail,
5 as provided in Sections 30-22-8 and 30-28-2 NMSA 1978,

6 presumptive non-prison;

7 (504) solicitation to commit escape from
8 jail, as provided in Sections 30-22-8 and 30-28-3 NMSA 1978,
9 presumptive non-prison;

10 (505) escape from penitentiary, as provided
11 in Section 30-22-9 NMSA 1978, presumptive prison;

12 (506) conspiracy to commit escape from
13 penitentiary, as provided in Sections 30-22-9 and 30-28-2 NMSA
14 1978, no presumption;

15 (507) solicitation to commit escape from
16 penitentiary, as provided in Sections 30-22-9 and 30-28-3 NMSA
17 1978, no presumption;

18 (508) escape from custody of a peace officer,
19 as provided in Section 30-22-10 NMSA 1978, no presumption;

20 (509) conspiracy to commit escape from
21 custody of a peace officer, as provided in Sections 30-22-10
22 and 30-28-2 NMSA 1978, presumptive non-prison;

23 (510) solicitation to commit escape from
24 custody of a peace officer, as provided in Sections 30-22-10
25 and 30-28-3 NMSA 1978, presumptive non-prison;

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1 (511) assisting escape, as provided in
2 Section 30-22-11 NMSA 1978, presumptive prison;

3 (512) attempt to commit assisting escape, as
4 provided in Sections 30-22-11 and 30-28-1 NMSA 1978, no
5 presumption;

6 (513) conspiracy to commit assisting escape,
7 as provided in Sections 30-22-11 and 30-28-2 NMSA 1978, no
8 presumption;

9 (514) solicitation to commit assisting
10 escape, as provided in Sections 30-22-11 and 30-28-3 NMSA
11 1978, no presumption;

12 (515) aggravated escape from the custody of
13 the children, youth and families department, as provided in
14 Section 30-22-11.2 NMSA 1978, presumptive non-prison;

15 (516) furnishing articles for prisoner's
16 escape, as provided in Section 30-22-12 NMSA 1978, presumptive
17 prison;

18 (517) attempt to commit furnishing articles
19 for prisoner's escape, as provided in Sections 30-22-12 and
20 30-28-1 NMSA 1978, no presumption;

21 (518) conspiracy to commit furnishing
22 articles for prisoner's escape, as provided in Sections 30-22-
23 12 and 30-28-2 NMSA 1978, no presumption;

24 (519) solicitation to commit furnishing
25 articles for prisoner's escape, as provided in Sections

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1 30-22-12 and 30-28-3 NMSA 1978, no presumption;

2 (520) furnishing drugs or liquor to a
3 prisoner, as provided in Section 30-22-13 NMSA 1978, no
4 presumption;

5 (521) conspiracy to commit furnishing drugs
6 or liquor to a prisoner, as provided in Sections 30-22-13 and
7 30-28-2 NMSA 1978, presumptive non-prison;

8 (522) solicitation to commit furnishing drugs
9 or liquor to a prisoner, as provided in Sections 30-22-13 and
10 30-28-3 NMSA 1978, presumptive non-prison;

11 (523) bringing contraband into a prison, as
12 provided in Subsection A of Section 30-22-14 NMSA 1978, no
13 presumption;

14 (524) attempt to commit bringing contraband
15 into a prison, as provided in Subsection A of Section 30-22-14
16 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-
17 prison;

18 (525) conspiracy to commit bringing
19 contraband into a prison, as provided in Subsection A of
20 Section 30-22-14 NMSA 1978 and Section 30-28-2 NMSA 1978,
21 presumptive non-prison;

22 (526) solicitation to commit bringing
23 contraband into a prison, as provided in Subsection A of
24 Section 30-22-14 NMSA 1978 and Section 30-28-3 NMSA 1978,
25 presumptive non-prison;

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1 (527) conspiracy to commit bringing
2 contraband into a jail, as provided in Subsection B of Section
3 30-22-14 NMSA 1978, no presumption;

4 (528) conspiracy to commit bringing
5 contraband into a jail, as provided in Subsection B of Section
6 30-22-14 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
7 non-prison;

8 (529) solicitation to commit conspiracy to
9 commit bringing contraband into a jail, as provided in
10 Subsection B of Section 30-22-14 NMSA 1978 and Section 30-28-3
11 NMSA 1978, presumptive non-prison;

12 (530) possession of deadly weapon or
13 explosive by prisoner, as provided in Section 30-22-16 NMSA
14 1978, presumptive prison;

15 (531) attempt to commit possession of deadly
16 weapon or explosive by prisoner, as provided in Sections
17 30-22-16 and 30-28-1 NMSA 1978, no presumption;

18 (532) conspiracy to commit possession of
19 deadly weapon or explosive by prisoner, as provided in
20 Sections 30-22-16 and 30-28-2 NMSA 1978, no presumption;

21 (533) solicitation to commit possession of
22 deadly weapon or explosive by prisoner, as provided in
23 Sections 30-22-16 and 30-28-3 NMSA 1978, no presumption;

24 (534) assault by prisoner, as provided in
25 Section 30-22-17 NMSA 1978, presumptive prison;

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1 (535) attempt to commit assault by prisoner,
2 as provided in Sections 30-22-17 and 30-28-1 NMSA 1978, no
3 presumption;

4 (536) conspiracy to commit assault by
5 prisoner, as provided in Sections 30-22-17 and 30-28-2 NMSA
6 1978, no presumption;

7 (537) solicitation to commit assault by
8 prisoner, as provided in Sections 30-22-17 and 30-28-3 NMSA
9 1978, no presumption;

10 (538) unlawful assault on any jail, as
11 provided in Section 30-22-19 NMSA 1978, presumptive prison;

12 (539) attempt to commit unlawful assault on
13 any jail, as provided in Sections 30-22-19 and 30-28-1 NMSA
14 1978, no presumption;

15 (540) conspiracy to commit unlawful assault
16 on any jail, as provided in Sections 30-22-19 and 30-28-2 NMSA
17 1978, no presumption;

18 (541) solicitation to commit unlawful assault
19 on any jail, as provided in Sections 30-22-19 and 30-28-3 NMSA
20 1978, no presumption;

21 (542) aggravated assault upon peace officer,
22 as provided in Section 30-22-22 NMSA 1978, presumptive prison;

23 (543) attempt to commit aggravated assault
24 upon peace officer, as provided in Sections 30-22-22 and
25 30-28-1 NMSA 1978, no presumption;

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1 (544) conspiracy to commit aggravated assault
2 upon peace officer, as provided in Sections 30-22-22 and
3 30-28-2 NMSA 1978, no presumption;

4 (545) solicitation to commit aggravated
5 assault upon peace officer, as provided in Sections 30-22-22
6 and 30-28-3 NMSA 1978, no presumption;

7 (546) assault with intent to commit violent
8 felony upon peace officer, as provided in Section 30-22-23
9 NMSA 1978, presumptive prison;

10 (547) battery upon a peace officer, as
11 provided in Section 30-22-24 NMSA 1978, no presumption;

12 (548) conspiracy to commit battery upon a
13 peace officer, as provided in Sections 30-22-24 and 30-28-2
14 NMSA 1978, presumptive non-prison;

15 (549) solicitation to commit battery upon a
16 peace officer, as provided in Sections 30-22-24 and 30-28-3
17 NMSA 1978, presumptive non-prison;

18 (550) aggravated battery upon a peace
19 officer, as provided in Subsection B of Section 30-22-25 NMSA
20 1978, no presumption;

21 (551) conspiracy to commit aggravated battery
22 upon a peace officer, as provided in Subsection B of Section
23 30-22-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
24 non-prison;

25 (552) solicitation to commit aggravated

1 battery upon a peace officer, as provided in Subsection B of
2 Section 30-22-25 NMSA 1978 and Section 30-28-3 NMSA 1978,
3 presumptive non-prison;

4 (553) aggravated battery upon a peace
5 officer, inflicting great bodily harm, as provided in
6 Subsection C of Section 30-22-25 NMSA 1978, presumptive
7 prison;

8 (554) attempt to commit aggravated battery
9 upon a peace officer, inflicting great bodily harm, as
10 provided in Subsection C of Section 30-22-25 NMSA 1978 and
11 Section 30-28-1 NMSA 1978, no presumption;

12 (555) conspiracy to commit aggravated battery
13 upon a peace officer, inflicting great bodily harm, as
14 provided in Subsection C of Section 30-22-25 NMSA 1978 and
15 Section 30-28-2 NMSA 1978, no presumption;

16 (556) solicitation to commit aggravated
17 battery upon a peace officer, inflicting great bodily harm, as
18 provided in Subsection C of Section 30-22-25 NMSA 1978 and
19 Section 30-28-3 NMSA 1978, no presumption;

20 (557) aggravated battery upon a peace
21 officer, with a deadly weapon, as provided in Subsection C of
22 Section 30-22-25 NMSA 1978, presumptive prison;

23 (558) attempt to commit aggravated battery
24 upon a peace officer, with a deadly weapon, as provided in
25 Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-1

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1 NMSA 1978, no presumption;

2 (559) conspiracy to commit aggravated battery
3 upon a peace officer, with a deadly weapon, as provided in
4 Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-2
5 NMSA 1978, no presumption;

6 (560) solicitation to commit aggravated
7 battery upon a peace officer, with a deadly weapon, as
8 provided in Subsection C of Section 30-22-25 NMSA 1978 and
9 Section 30-28-3 NMSA 1978, no presumption;

10 (561) aggravated battery upon a peace officer
11 whereby great bodily harm or death can be inflicted, as
12 provided in Subsection C of Section 30-22-25 NMSA 1978, no
13 presumption;

14 (562) attempt to commit aggravated battery
15 upon a peace officer whereby great bodily harm or death can be
16 inflicted, as provided in Subsection C of Section 30-22-25
17 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-
18 prison;

19 (563) conspiracy to commit aggravated battery
20 upon a peace officer whereby great bodily harm or death can be
21 inflicted, as provided in Subsection C of Section 30-22-25
22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
23 prison;

24 (564) solicitation to commit aggravated
25 battery upon a peace officer whereby great bodily harm or

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1 death can be inflicted, as provided in Subsection C of Section
2 30-22-25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
3 non-prison;

4 (565) assisting in assault upon peace
5 officer, as provided in Section 30-22-26 NMSA 1978, no
6 presumption;

7 (566) conspiracy to commit assisting in
8 assault upon peace officer, as provided in Sections 30-22-26
9 and 30-28-2 NMSA 1978, presumptive non-prison;

10 (567) solicitation to commit assisting in
11 assault upon peace officer, as provided in Sections 30-22-26
12 and 30-28-3 NMSA 1978, presumptive non-prison;

13 (568) paying or receiving public money for
14 services not rendered, as provided in Section 30-23-2 NMSA
15 1978, presumptive non-prison;

16 (569) conspiracy to commit paying or
17 receiving public money for services not rendered, as provided
18 in Sections 30-23-2 and 30-28-2 NMSA 1978, presumptive
19 penalties and fines;

20 (570) solicitation to commit paying or
21 receiving public money for services not rendered, as provided
22 in Sections 30-23-2 and 30-28-3 NMSA 1978, presumptive
23 penalties and fines;

24 (571) making or permitting false public
25 voucher, as provided in Section 30-23-3 NMSA 1978, presumptive

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1 non-prison;

2 (572) conspiracy to commit making or
3 permitting false public voucher, as provided in Sections
4 30-23-3 and 30-28-2 NMSA 1978, presumptive penalties and
5 fines;

6 (573) solicitation to commit making or
7 permitting false public voucher, as provided in Sections
8 30-23-3 and 30-28-3 NMSA 1978, presumptive penalties and
9 fines;

10 (574) unlawful interest in public contracts
11 where the value received is more than fifty dollars (\$50.00),
12 as provided in Section 30-23-6 NMSA 1978, presumptive non-
13 prison;

14 (575) conspiracy to commit unlawful interest
15 in public contracts where the value received is more than
16 fifty dollars (\$50.00), as provided in Sections 30-23-6 and
17 30-28-2 NMSA 1978, presumptive penalties and fines;

18 (576) solicitation to commit unlawful
19 interest in public contracts where the value received is more
20 than fifty dollars (\$50.00), as provided in Sections 30-23-6
21 and 30-28-3 NMSA 1978, presumptive penalties and fines;

22 (577) bribery of public officer or public
23 employee, as provided in Section 30-24-1 NMSA 1978,
24 presumptive non-prison;

25 (578) attempt to commit bribery of public

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1 officer or public employee, as provided in Sections 30-24-1
2 and 30-28-1 NMSA 1978, presumptive penalties and fines;

3 (579) conspiracy to commit bribery of public
4 officer or public employee, as provided in Sections 30-24-1
5 and 30-28-2 NMSA 1978, presumptive penalties and fines;

6 (580) solicitation to commit bribery of
7 public officer or public employee, as provided in Sections 30-
8 24-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

9 (581) demanding or receiving bribe by public
10 officer or public employee, as provided in Section 30-24-2
11 NMSA 1978, presumptive non-prison;

12 (582) attempt to commit demanding or
13 receiving bribe by public officer or public employee, as
14 provided in Sections 30-24-2 and 30-28-1 NMSA 1978,
15 presumptive penalties and fines;

16 (583) conspiracy to commit demanding or
17 receiving bribe by public officer or public employee, as
18 provided in Sections 30-24-2 and 30-28-2 NMSA 1978,
19 presumptive penalties and fines;

20 (584) solicitation to commit demanding or
21 receiving bribe by public officer or public employee, as
22 provided in Sections 30-24-2 and 30-28-3 NMSA 1978,
23 presumptive penalties and fines;

24 (585) bribery or intimidation of a witness,
25 as provided in Subsection A of Section 30-24-3 NMSA 1978,

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1 presumptive non-prison;

2 (586) conspiracy to commit bribery or
3 intimidation of a witness, as provided in Subsection A of
4 Section 30-24-3 NMSA 1978 and Section 30-28-2 NMSA 1978,
5 presumptive penalties and fines;

6 (587) solicitation to commit bribery or
7 intimidation of a witness, as provided in Subsection A of
8 Section 30-24-3 NMSA 1978 and Section 30-28-3 NMSA 1978,
9 presumptive penalties and fines;

10 (588) retaliation against a witness, causing
11 bodily injury, as provided in Subsection B of Section 30-24-3
12 NMSA 1978, no presumption;

13 (589) conspiracy to commit retaliation
14 against a witness, causing bodily injury, as provided in
15 Subsection B of Section 30-24-3 NMSA 1978 and Section 30-28-2
16 NMSA 1978, presumptive non-prison;

17 (590) solicitation to commit retaliation
18 against a witness, causing bodily injury, as provided in
19 Subsection B of Section 30-24-3 NMSA 1978 and Section 30-28-3
20 NMSA 1978, presumptive non-prison;

21 (591) retaliation against a witness, causing
22 damage to the tangible property of another person, as provided
23 in Subsection B of Section 30-24-3 NMSA 1978, presumptive non-
24 prison;

25 (592) conspiracy to commit retaliation

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1 against a witness, causing damage to the tangible property of
2 another person, as provided in Subsection B of Section 30-24-3
3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
4 and fines;

5 (593) solicitation to commit retaliation
6 against a witness, causing damage to the tangible property of
7 another person, as provided in Subsection B of Section 30-24-3
8 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
9 and fines;

10 (594) acceptance of a bribe by a witness, as
11 provided in Section 30-24-3.1 NMSA 1978, presumptive non-
12 prison;

13 (595) conspiracy to commit acceptance of a
14 bribe by a witness, as provided in Sections 30-24-3.1 and
15 30-28-2 NMSA 1978, presumptive penalties and fines;

16 (596) solicitation to commit acceptance of a
17 bribe by a witness, as provided in Sections 30-24-3.1 and
18 30-28-3 NMSA 1978, presumptive penalties and fines;

19 (597) perjury, as provided in Section 30-25-1
20 NMSA 1978, presumptive non-prison;

21 (598) conspiracy to commit perjury, as
22 provided in Sections 30-25-1 and 30-28-2 NMSA 1978,
23 presumptive penalties and fines;

24 (599) solicitation to commit perjury, as
25 provided in Sections 30-25-1 and 30-28-3 NMSA 1978,

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- 1 presumptive penalties and fines;
- 2 (600) tampering with public records, as
- 3 provided in Section 30-26-1 NMSA 1978, presumptive non-prison;
- 4 (601) conspiracy to commit tampering with
- 5 public records, as provided in Sections 30-26-1 and 30-28-2
- 6 NMSA 1978, presumptive penalties and fines;
- 7 (602) solicitation to commit tampering with
- 8 public records, as provided in Sections 30-26-1 and 30-28-3
- 9 NMSA 1978, presumptive penalties and fines;
- 10 (603) illegal possession of mercury, as
- 11 provided in Section 30-30-1 NMSA 1978, presumptive penalties
- 12 and fines;
- 13 (604) conspiracy to commit illegal possession
- 14 of mercury, as provided in Sections 30-30-1 and 30-28-2 NMSA
- 15 1978, presumptive penalties and fines;
- 16 (605) solicitation to commit illegal
- 17 possession of mercury, as provided in Sections 30-30-1 and
- 18 30-28-3 NMSA 1978, presumptive penalties and fines;
- 19 (606) unlawful prescription, administration
- 20 or distribution of methadone, as provided in Section 30-31-7
- 21 NMSA 1978, presumptive penalties and fines;
- 22 (607) trafficking controlled substances, as
- 23 provided in Paragraph (1) of Subsection A and Paragraph (1) of
- 24 Subsection B of Section 30-31-20 NMSA 1978, no presumption;
- 25 (608) attempt to commit trafficking

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1 controlled substances, as provided in Paragraph (1) of
2 Subsection A and Paragraph (1) of Subsection B of Section 30-
3 31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

4 (609) conspiracy to commit trafficking
5 controlled substances, as provided in Paragraph (1) of
6 Subsection A and Paragraph (1) of Subsection B of Section
7 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no
8 presumption;

9 (610) solicitation to commit trafficking
10 controlled substances, as provided in Paragraph (1) of
11 Subsection A and Paragraph (1) of Subsection B of Section
12 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no
13 presumption;

14 (611) trafficking controlled substances, as
15 provided in Paragraph (1) of Subsection A and Paragraph (2) of
16 Subsection B of Section 30-31-20 NMSA 1978, no presumption;

17 (612) attempt to commit trafficking
18 controlled substances, as provided in Paragraph (1) of
19 Subsection A and Paragraph (2) of Subsection B of Section 30-
20 31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

21 (613) conspiracy to commit trafficking
22 controlled substances, as provided in Paragraph (1) of
23 Subsection A and Paragraph (2) of Subsection B of Section
24 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no
25 presumption;

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1 (614) solicitation to commit trafficking
2 controlled substances, as provided in Paragraph (1) of
3 Subsection A and Paragraph (2) of Subsection B of Section
4 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no
5 presumption;

6 (615) trafficking controlled substances, as
7 provided in Paragraph (2) of Subsection A and Paragraph (1) of
8 Subsection B of Section 30-31-20 NMSA 1978, no presumption;

9 (616) attempt to commit trafficking
10 controlled substances, as provided in Paragraph (2) of
11 Subsection A and Paragraph (1) of Subsection B of Section 30-
12 31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

13 (617) conspiracy to commit trafficking
14 controlled substances, as provided in Paragraph (2) of
15 Subsection A and Paragraph (1) of Subsection B of Section
16 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no
17 presumption;

18 (618) solicitation to commit trafficking
19 controlled substances, as provided in Paragraph (2) of
20 Subsection A and Paragraph (1) of Subsection B of Section
21 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no
22 presumption;

23 (619) trafficking controlled substances, as
24 provided in Paragraph (2) of Subsection A and Paragraph (2) of
25 Subsection B of Section 30-31-20 NMSA 1978, no presumption;

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1 (620) attempt to commit trafficking
2 controlled substances, as provided in Paragraph (2) of
3 Subsection A and Paragraph (2) of Subsection B of Section 30-
4 31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

5 (621) conspiracy to commit trafficking
6 controlled substances, as provided in Paragraph (2) of
7 Subsection A and Paragraph (2) of Subsection B of Section
8 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no
9 presumption;

10 (622) solicitation to commit trafficking
11 controlled substances, as provided in Paragraph (2) of
12 Subsection A and Paragraph (2) of Subsection B of Section
13 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no
14 presumption;

15 (623) trafficking controlled substances, as
16 provided in Paragraph (3) of Subsection A and Paragraph (1) of
17 Subsection B of Section 30-31-20 NMSA 1978, no presumption;

18 (624) attempt to commit trafficking
19 controlled substances, as provided in Paragraph (3) of
20 Subsection A and Paragraph (1) of Subsection B of Section 30-
21 31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
22 non-prison;

23 (625) conspiracy to commit trafficking
24 controlled substances, as provided in Paragraph (3) of
25 Subsection A and Paragraph (1) of Subsection B of Section

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1 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
2 non-prison;

3 (626) solicitation to commit trafficking
4 controlled substances, as provided in Paragraph (3) of
5 Subsection A and Paragraph (1) of Subsection B of Section
6 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
7 non-prison;

8 (627) trafficking controlled substances, as
9 provided in Paragraph (3) of Subsection A and Paragraph (2) of
10 Subsection B of Section 30-31-20 NMSA 1978, no presumption;

11 (628) attempt to commit trafficking
12 controlled substances, as provided in Paragraph (3) of
13 Subsection A and Paragraph (2) of Subsection B of Section 30-
14 31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

15 (629) conspiracy to commit trafficking
16 controlled substances, as provided in Paragraph (3) of
17 Subsection A and Paragraph (2) of Subsection B of Section
18 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no
19 presumption;

20 (630) solicitation to commit trafficking
21 controlled substances, as provided in Paragraph (3) of
22 Subsection A and Paragraph (2) of Subsection B of Section
23 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no
24 presumption;

25 (631) trafficking controlled substances in a

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1 drug-free school zone, as provided in Subsection C of Section
2 30-31-20 NMSA 1978, no presumption;

3 (632) attempt to commit trafficking
4 controlled substances in a drug-free school zone, as provided
5 in Subsection C of Section 30-31-20 NMSA 1978 and Section 30-
6 28-1 NMSA 1978, no presumption;

7 (633) conspiracy to commit trafficking
8 controlled substances in a drug-free school zone, as provided
9 in Subsection C of Section 30-31-20 NMSA 1978 and Section
10 30-28-2 NMSA 1978, no presumption;

11 (634) solicitation to commit trafficking
12 controlled substances in a drug-free school zone, as provided
13 in Subsection C of Section 30-31-20 NMSA 1978 and Section
14 30-28-3 NMSA 1978, no presumption;

15 (635) distribution of controlled substances
16 to a minor, as provided in Paragraph (1) of Subsection A of
17 Section 30-31-21 NMSA 1978, no presumption;

18 (636) conspiracy to commit distribution of
19 controlled substances to a minor, as provided in Paragraph (1)
20 of Subsection A of Section 30-31-21 NMSA 1978 and Section
21 30-28-2 NMSA 1978, presumptive non-prison;

22 (637) solicitation to commit distribution of
23 controlled substances to a minor, as provided in Paragraph (1)
24 of Subsection A of Section 30-31-21 NMSA 1978 and Section
25 30-28-3 NMSA 1978, presumptive non-prison;

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1 (638) distribution of controlled substances
2 to a minor, as provided in Paragraph (2) of Subsection A of
3 Section 30-31-21 NMSA 1978, no presumption;

4 (639) attempt to commit distribution of
5 controlled substances to a minor, as provided in Paragraph (2)
6 of Subsection A of Section 30-31-21 NMSA 1978 and Section
7 30-28-1 NMSA 1978, no presumption;

8 (640) conspiracy to commit distribution of
9 controlled substances to a minor, as provided in Paragraph (2)
10 of Subsection A of Section 30-31-21 NMSA 1978 and Section
11 30-28-2 NMSA 1978, no presumption;

12 (641) solicitation to commit distribution of
13 controlled substances to a minor, as provided in Paragraph (2)
14 of Subsection A of Section 30-31-21 NMSA 1978 and Section
15 30-28-3 NMSA 1978, no presumption;

16 (642) distribution of controlled substances
17 to a minor, as provided in Paragraph (1) of Subsection B of
18 Section 30-31-21 NMSA 1978, no presumption;

19 (643) attempt to commit distribution of
20 controlled substances to a minor, as provided in Paragraph (1)
21 of Subsection B of Section 30-31-21 NMSA 1978 and Section
22 30-28-1 NMSA 1978, no presumption;

23 (644) conspiracy to commit distribution of
24 controlled substances to a minor, as provided in Paragraph (1)
25 of Subsection B of Section 30-31-21 NMSA 1978 and Section

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1 30-28-2 NMSA 1978, no presumption;

2 (645) solicitation to commit distribution of
3 controlled substances to a minor, as provided in Paragraph (1)
4 of Subsection B of Section 30-31-21 NMSA 1978 and Section

5 30-28-3 NMSA 1978, no presumption;

6 (646) distribution of controlled substances
7 to a minor, as provided in Paragraph (2) of Subsection B of
8 Section 30-31-21 NMSA 1978, presumptive prison;

9 (647) attempt to commit distribution of
10 controlled substances to a minor, as provided in Paragraph (2)
11 of Subsection B of Section 30-31-21 NMSA 1978 and Section
12 30-28-1 NMSA 1978, no presumption;

13 (648) conspiracy to commit distribution of
14 controlled substances to a minor, as provided in Paragraph (2)
15 of Subsection B of Section 30-31-21 NMSA 1978 and Section
16 30-28-2 NMSA 1978, no presumption;

17 (649) solicitation to commit distribution of
18 controlled substances to a minor, as provided in Paragraph (2)
19 of Subsection B of Section 30-31-21 NMSA 1978 and Section
20 30-28-3 NMSA 1978, no presumption;

21 (650) distribution of or possession with
22 intent to distribute controlled substances, as provided in
23 Subparagraph (a) of Paragraph (1) of Subsection A of Section
24 30-31-22 NMSA 1978, presumptive penalties and fines;

25 (651) conspiracy to commit distribution of or

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1 possession with intent to distribute controlled substances, as
2 provided in Subparagraph (a) of Paragraph (1) of Subsection A
3 of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978,
4 presumptive penalties and fines;

5 (652) solicitation to commit distribution of
6 or possession with intent to distribute controlled substances,
7 as provided in Subparagraph (a) of Paragraph (1) of Subsection
8 A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978,
9 presumptive penalties and fines;

10 (653) distribution of or possession with
11 intent to distribute controlled or counterfeit substances, as
12 provided in Subparagraph (b) of Paragraph (1) of Subsection A
13 of Section 30-31-22 NMSA 1978, presumptive non-prison;

14 (654) conspiracy to commit distribution of or
15 possession with intent to distribute controlled substances, as
16 provided in Subparagraph (b) of Paragraph (1) of Subsection A
17 of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978,
18 presumptive penalties and fines;

19 (655) solicitation to commit distribution of
20 or possession with intent to distribute controlled substances,
21 as provided in Subparagraph (b) of Paragraph (1) of Subsection
22 A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978,
23 presumptive penalties and fines;

24 (656) distribution of controlled substances,
25 as provided in Subparagraph (c) of Paragraph (1) of Subsection

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1 A of Section 30-31-22 NMSA 1978, no presumption;

2 (657) conspiracy to commit distribution of
3 controlled substances, as provided in Subparagraph (c) of
4 Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978
5 and Section 30-28-2 NMSA 1978, presumptive non-prison;

6 (658) solicitation to commit distribution of
7 controlled substances, as provided in Subparagraph (c) of
8 Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978
9 and Section 30-28-3 NMSA 1978, presumptive non-prison;

10 (659) possession with intent to distribute
11 controlled substances, as provided in Subparagraph (c) of
12 Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978,
13 no presumption;

14 (660) attempt to commit possession with
15 intent to distribute controlled substances, as provided in
16 Subparagraph (c) of Paragraph (1) of Subsection A of Section
17 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
18 non-prison;

19 (661) conspiracy to commit possession with
20 intent to distribute controlled substances, as provided in
21 Subparagraph (c) of Paragraph (1) of Subsection A of Section
22 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
23 non-prison;

24 (662) solicitation to commit possession with
25 intent to distribute controlled substances, as provided in

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1 Subparagraph (c) of Paragraph (1) of Subsection A of Section
2 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
3 non-prison;

4 (663) distribution of controlled substances,
5 as provided in Subparagraph (d) of Paragraph (1) of Subsection
6 A of Section 30-31-22 NMSA 1978, no presumption;

7 (664) conspiracy to commit distribution of
8 controlled substances, as provided in Subparagraph (d) of
9 Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978
10 and Section 30-28-2 NMSA 1978, presumptive non-prison;

11 (665) solicitation to commit distribution of
12 controlled substances, as provided in Subparagraph (d) of
13 Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978
14 and Section 30-28-3 NMSA 1978, presumptive non-prison;

15 (666) possession with intent to distribute
16 controlled substances, as provided in Subparagraph (d) of
17 Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978,
18 no presumption;

19 (667) attempt to commit possession with
20 intent to distribute controlled substances, as provided in
21 Subparagraph (d) of Paragraph (1) of Subsection A of Section
22 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
23 non-prison;

24 (668) conspiracy to commit possession with
25 intent to distribute controlled substances, as provided in

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1 Subparagraph (d) of Paragraph (1) of Subsection A of Section
2 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
3 non-prison;

4 (669) solicitation to commit possession with
5 intent to distribute controlled substances, as provided in
6 Subparagraph (d) of Paragraph (1) of Subsection A of Section
7 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
8 non-prison;

9 (670) distribution of or possession with
10 intent to distribute controlled substances, as provided in
11 Subparagraph (a) of Paragraph (2) of Subsection A of Section
12 30-31-22 NMSA 1978, no presumption;

13 (671) conspiracy to commit distribution of or
14 possession with intent to distribute controlled substances, as
15 provided in Subparagraph (a) of Paragraph (2) of Subsection A
16 of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978,
17 presumptive non-prison;

18 (672) solicitation to commit distribution of
19 or possession with intent to distribute controlled substances,
20 as provided in Subparagraph (a) of Paragraph (2) of Subsection
21 A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978,
22 presumptive non-prison;

23 (673) distribution of or possession with
24 intent to distribute controlled substances, as provided in
25 Subparagraph (b) of Paragraph (2) of Subsection A of Section

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1 30-31-22 NMSA 1978, no presumption;

2 (674) conspiracy to commit distribution of or
3 possession with intent to distribute controlled substances, as
4 provided in Subparagraph (b) of Paragraph (2) of Subsection A
5 of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978,
6 no presumption;

7 (675) solicitation to commit distribution of
8 or possession with intent to distribute controlled substances,
9 as provided in Subparagraph (b) of Paragraph (2) of Subsection
10 A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978,
11 no presumption;

12 (676) distribution of or possession with
13 intent to distribute a counterfeit substance, as provided in
14 Paragraph (1) of Subsection B of Section 30-31-22 NMSA 1978,
15 presumptive non-prison;

16 (677) conspiracy to commit distribution of or
17 possession with intent to distribute a counterfeit substance,
18 as provided in Paragraph (1) of Subsection B of Section
19 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
20 penalties and fines;

21 (678) solicitation to commit distribution of
22 or possession with intent to distribute a counterfeit
23 substance, as provided in Paragraph (1) of Subsection B of
24 Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978,
25 presumptive penalties and fines;

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1 (679) distribution of or possession with
2 intent to distribute controlled substances in a drug-free
3 school zone, as provided in Subparagraph (a) of Paragraph (1)
4 of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

5 (680) conspiracy to commit distribution of or
6 possession with intent to distribute controlled substances in
7 a drug-free school zone, as provided in Subparagraph (a) of
8 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
9 and Section 30-28-2 NMSA 1978, presumptive non-prison;

10 (681) solicitation to commit distribution of
11 or possession with intent to distribute controlled substances
12 in a drug-free school zone, as provided in Subparagraph (a) of
13 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
14 and Section 30-28-3 NMSA 1978, presumptive non-prison;

15 (682) distribution of or possession with
16 intent to distribute controlled substances in a drug-free
17 school zone, as provided in Subparagraph (b) of Paragraph (1)
18 of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

19 (683) attempt to commit distribution of or
20 possession with intent to distribute controlled substances in
21 a drug-free school zone, as provided in Subparagraph (b) of
22 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
23 and Section 30-28-1 NMSA 1978, no presumption;

24 (684) conspiracy to commit distribution of or
25 possession with intent to distribute controlled substances in

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1 a drug-free school zone, as provided in Subparagraph (b) of
2 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
3 and Section 30-28-2 NMSA 1978, no presumption;

4 (685) solicitation to commit distribution of
5 or possession with intent to distribute controlled substances
6 in a drug-free school zone, as provided in Subparagraph (b) of
7 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
8 and Section 30-28-3 NMSA 1978, no presumption;

9 (686) distribution of or possession with
10 intent to distribute controlled substances in a drug-free
11 school zone, as provided in Subparagraph (c) of Paragraph (1)
12 of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

13 (687) attempt to commit distribution of or
14 possession with intent to distribute controlled substances in
15 a drug-free school zone, as provided in Subparagraph (c) of
16 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
17 and Section 30-28-1 NMSA 1978, no presumption;

18 (688) conspiracy to commit distribution of or
19 possession with intent to distribute controlled substances in
20 a drug-free school zone, as provided in Subparagraph (c) of
21 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
22 and Section 30-28-2 NMSA 1978, no presumption;

23 (689) solicitation to commit distribution of
24 or possession with intent to distribute controlled substances
25 in a drug-free school zone, as provided in Subparagraph (c) of

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1 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
2 and Section 30-28-3 NMSA 1978, no presumption;

3 (690) distribution of or possession with
4 intent to distribute controlled substances in a drug-free
5 school zone, as provided in Subparagraph (d) of Paragraph (1)
6 of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

7 (691) attempt to commit distribution of or
8 possession with intent to distribute controlled substances in
9 a drug-free school zone, as provided in Subparagraph (d) of
10 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
11 and Section 30-28-1 NMSA 1978, no presumption;

12 (692) conspiracy to commit distribution of or
13 possession with intent to distribute controlled substances in
14 a drug-free school zone, as provided in Subparagraph (d) of
15 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
16 and Section 30-28-2 NMSA 1978, no presumption;

17 (693) solicitation to commit distribution of
18 or possession with intent to distribute controlled substances
19 in a drug-free school zone, as provided in Subparagraph (d) of
20 Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978
21 and Section 30-28-3 NMSA 1978, no presumption;

22 (694) distribution of or possession with
23 intent to distribute controlled substances in a drug-free
24 school zone, as provided in Subparagraph (a) of Paragraph (2)
25 of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

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1 (695) attempt to commit distribution of or
2 possession with intent to distribute controlled substances in
3 a drug-free school zone, as provided in Subparagraph (a) of
4 Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978
5 and Section 30-28-1 NMSA 1978, no presumption;

6 (696) conspiracy to commit distribution of or
7 possession with intent to distribute controlled substances in
8 a drug-free school zone, as provided in Subparagraph (a) of
9 Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978
10 and Section 30-28-2 NMSA 1978, no presumption;

11 (697) solicitation to commit distribution of
12 or possession with intent to distribute controlled substances
13 in a drug-free school zone, as provided in Subparagraph (a) of
14 Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978
15 and Section 30-28-3 NMSA 1978, no presumption;

16 (698) distribution of or possession with
17 intent to distribute controlled substances in a drug-free
18 school zone, as provided in Subparagraph (b) of Paragraph (2)
19 of Subsection C of Section 30-31-22 NMSA 1978, presumptive
20 prison;

21 (699) attempt to commit distribution of or
22 possession with intent to distribute controlled substances in
23 a drug-free school zone, as provided in Subparagraph (b) of
24 Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978
25 and Section 30-28-1 NMSA 1978, no presumption;

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1 (700) conspiracy to commit distribution of or
2 possession with intent to distribute controlled substances in
3 a drug-free school zone, as provided in Subparagraph (b) of
4 Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978
5 and Section 30-28-2 NMSA 1978, no presumption;

6 (701) solicitation to commit distribution of
7 or possession with intent to distribute controlled substances
8 in a drug-free school zone, as provided in Subparagraph (b) of
9 Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978
10 and Section 30-28-3 NMSA 1978, no presumption;

11 (702) distribution of or possession with
12 intent to distribute controlled substances in a drug-free
13 school zone, as provided in Paragraph (3) of Subsection C of
14 Section 30-31-22 NMSA 1978, no presumption;

15 (703) conspiracy to commit distribution of or
16 possession with intent to distribute controlled substances in
17 a drug-free school zone, as provided in Paragraph (3) of
18 Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2
19 NMSA 1978, presumptive non-prison;

20 (704) solicitation to commit distribution of
21 or possession with intent to distribute controlled substances
22 in a drug-free school zone, as provided in Paragraph (3) of
23 Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-3
24 NMSA 1978, presumptive non-prison;

25 (705) distribution of or possession with

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1 intent to distribute a counterfeit substance in a drug-free
2 school zone, as provided in Subparagraph (a) of Paragraph (4)
3 of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

4 (706) attempt to commit distribution of or
5 possession with intent to distribute a counterfeit substance
6 in a drug-free school zone, as provided in Subparagraph (a) of
7 Paragraph (4) of Subsection C of Section 30-31-22 NMSA 1978
8 and Section 30-28-1 NMSA 1978, presumptive non-prison;

9 (707) conspiracy to commit distribution of or
10 possession with intent to distribute a counterfeit substance
11 in a drug-free school zone, as provided in Subparagraph (a) of
12 Paragraph (4) of Subsection C of Section 30-31-22 NMSA 1978
13 and Section 30-28-2 NMSA 1978, presumptive non-prison;

14 (708) solicitation to commit distribution of
15 or possession with intent to distribute a counterfeit
16 substance in a drug-free school zone, as provided in
17 Subparagraph (a) of Paragraph (4) of Subsection C of Section
18 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
19 non-prison;

20 (709) possession of a controlled substance,
21 as provided in Paragraph (3) of Subsection B of Section 30-31-
22 23 NMSA 1978, presumptive penalties and fines;

23 (710) conspiracy to commit possession of a
24 controlled substance, as provided in Paragraph (3) of
25 Subsection B of Section 30-31-23 NMSA 1978 and Section 30-28-2

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1 NMSA 1978, presumptive penalties and fines;

2 (711) solicitation to commit possession of a
3 controlled substance, as provided in Paragraph (3) of
4 Subsection B of Section 30-31-23 NMSA 1978 and Section 30-28-3
5 NMSA 1978, presumptive penalties and fines;

6 (712) possession of a controlled substance,
7 as provided in Subsection D of Section 30-31-23 NMSA 1978,
8 presumptive penalties and fines;

9 (713) conspiracy to commit possession of a
10 controlled substance, as provided in Subsection D of Section
11 30-31-23 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
12 penalties and fines;

13 (714) solicitation to commit possession of a
14 controlled substance, as provided in Subsection D of Section
15 30-31-23 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
16 penalties and fines;

17 (715) violation of administrative provisions
18 of the Controlled Substances Act, as provided in Section
19 30-31-24 NMSA 1978, presumptive penalties and fines;

20 (716) conspiracy to commit violation of
21 administrative provisions of the Controlled Substances Act, as
22 provided in Sections 30-31-24 and 30-28-2 NMSA 1978,
23 presumptive penalties and fines;

24 (717) solicitation to commit violation of
25 administrative provisions of the Controlled Substances Act, as

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1 provided in Sections 30-31-24 and 30-28-3 NMSA 1978,
2 presumptive penalties and fines;

3 (718) prohibited acts in violation of the
4 Controlled Substances Act, as provided in Paragraph (1) of
5 Subsection A of Section 30-31-25 NMSA 1978, presumptive non-
6 prison;

7 (719) conspiracy to commit prohibited acts in
8 violation of the Controlled Substances Act, as provided in
9 Paragraph (1) of Subsection A of Section 30-31-25 NMSA 1978
10 and Section 30-28-2 NMSA 1978, presumptive penalties and
11 fines;

12 (720) solicitation to commit prohibited acts
13 in violation of the Controlled Substances Act, as provided in
14 Paragraph (1) of Subsection A of Section 30-31-25 NMSA 1978
15 and Section 30-28-3 NMSA 1978, presumptive penalties and
16 fines;

17 (721) prohibited acts in violation of the
18 Controlled Substances Act, as provided in Paragraph (2) of
19 Subsection A of Section 30-31-25 NMSA 1978, presumptive
20 penalties and fines;

21 (722) conspiracy to commit prohibited acts in
22 violation of the Controlled Substances Act, as provided in
23 Paragraph (2) of Subsection A of Section 30-31-25 NMSA 1978
24 and Section 30-28-2 NMSA 1978, presumptive penalties and
25 fines;

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1 (723) solicitation to commit prohibited acts
2 in violation of the Controlled Substances Act, as provided in
3 Paragraph (2) of Subsection A of Section 30-31-25 NMSA 1978
4 and Section 30-28-3 NMSA 1978, presumptive penalties and
5 fines;

6 (724) prohibited acts in violation of the
7 Controlled Substances Act, as provided in Paragraph (3) of
8 Subsection A of Section 30-31-25 NMSA 1978, presumptive
9 penalties and fines;

10 (725) conspiracy to commit prohibited acts in
11 violation of the Controlled Substances Act, as provided in
12 Paragraph (3) of Subsection A of Section 30-31-25 NMSA 1978
13 and Section 30-28-2 NMSA 1978, presumptive penalties and
14 fines;

15 (726) solicitation to commit prohibited acts
16 in violation of the Controlled Substances Act, as provided in
17 Paragraph (3) of Subsection A of Section 30-31-25 NMSA 1978
18 and Section 30-28-3 NMSA 1978, presumptive penalties and
19 fines;

20 (727) prohibited acts in violation of the
21 Controlled Substances Act, as provided in Paragraph (4) of
22 Subsection A of Section 30-31-25 NMSA 1978, presumptive
23 penalties and fines;

24 (728) conspiracy to commit prohibited acts in
25 violation of the Controlled Substances Act, as provided in

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1 Paragraph (4) of Subsection A of Section 30-31-25 NMSA 1978
2 and Section 30-28-2 NMSA 1978, presumptive penalties and
3 fines;

4 (729) solicitation to commit prohibited acts
5 in violation of the Controlled Substances Act, as provided in
6 Paragraph (4) of Subsection A of Section 30-31-25 NMSA 1978
7 and Section 30-28-3 NMSA 1978, presumptive penalties and
8 fines;

9 (730) prohibited acts in violation of the
10 Controlled Substances Act, as provided in Paragraph (5) of
11 Subsection A of Section 30-31-25 NMSA 1978, presumptive
12 penalties and fines;

13 (731) conspiracy to commit prohibited acts in
14 violation of the Controlled Substances Act, as provided in
15 Paragraph (5) of Subsection A of Section 30-31-25 NMSA 1978
16 and Section 30-28-2 NMSA 1978, presumptive penalties and
17 fines;

18 (732) solicitation to commit prohibited acts
19 in violation of the Controlled Substances Act, as provided in
20 Paragraph (5) of Subsection A of Section 30-31-25 NMSA 1978
21 and Section 30-28-3 NMSA 1978, presumptive penalties and
22 fines;

23 (733) delivering drug paraphernalia to a
24 person under eighteen years of age, as provided in Subsection
25 D of Section 30-31-25.1 NMSA 1978, presumptive non-prison;

1 (734) conspiracy to commit delivering drug
2 paraphernalia to a person under eighteen years of age, as
3 provided in Subsection D of Section 30-31-25.1 NMSA 1978 and
4 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

5 (735) solicitation to commit delivering drug
6 paraphernalia to a person under eighteen years of age, as
7 provided in Subsection D of Section 30-31-25.1 NMSA 1978 and
8 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

9 (736) distribution or possession with intent
10 to distribute of anabolic steroids, as provided in Subsection
11 B of Section 30-31-41 NMSA 1978, presumptive non-prison;

12 (737) conspiracy to commit distribution or
13 possession with intent to distribute of anabolic steroids, as
14 provided in Subsection B of Section 30-31-41 NMSA 1978 and
15 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

16 (738) solicitation to commit distribution or
17 possession with intent to distribute of anabolic steroids, as
18 provided in Subsection B of Section 30-31-41 NMSA 1978 and
19 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

20 (739) distribution of anabolic steroids to a
21 person under eighteen years of age by any person eighteen
22 years of age or older, as provided in Subsection C of Section
23 30-31-41 NMSA 1978, no presumption;

24 (740) conspiracy to commit distribution of
25 anabolic steroids to a person under eighteen years of age by

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1 any person eighteen years of age or older, as provided in
2 Subsection C of Section 30-31-41 NMSA 1978 and Section 30-28-2
3 NMSA 1978, presumptive non-prison;

4 (741) solicitation to commit distribution of
5 anabolic steroids to a person under eighteen years of age by
6 any person eighteen years of age or older, as provided in
7 Subsection C of Section 30-31-41 NMSA 1978 and Section 30-28-3
8 NMSA 1978, presumptive non-prison;

9 (742) manufacturing, distribution or
10 possession with intent to distribute of an imitation
11 controlled substance, as provided in Section 30-31A-4 NMSA
12 1978, presumptive non-prison;

13 (743) conspiracy to commit manufacturing,
14 distribution or possession with intent to distribute of an
15 imitation controlled substance, as provided in Sections
16 30-31A-4 and 30-28-2 NMSA 1978, presumptive penalties and
17 fines;

18 (744) solicitation to commit manufacturing,
19 distribution or possession with intent to distribute of an
20 imitation controlled substance, as provided in Sections
21 30-31A-4 and 30-28-3 NMSA 1978, presumptive penalties and
22 fines;

23 (745) selling an imitation controlled
24 substance to a person under the age of eighteen years by any
25 person who is eighteen years of age or older, as provided in

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1 Section 30-31A-5 NMSA 1978, no presumption;

2 (746) conspiracy to commit selling an
3 imitation controlled substance to a person under the age of
4 eighteen years by any person who is eighteen years of age or
5 older, as provided in Sections 30-31A-5 and 30-28-2 NMSA 1978,
6 presumptive non-prison;

7 (747) solicitation to commit selling an
8 imitation controlled substance to a person under the age of
9 eighteen years by any person who is eighteen years of age or
10 older, as provided in Sections 30-31A-5 and 30-28-3 NMSA 1978,
11 presumptive non-prison;

12 (748) prohibited acts under the Drug
13 Precursor Act, as provided in Paragraph (2) of Subsection B of
14 Section 30-31B-12 NMSA 1978, presumptive penalties and fines;

15 (749) conspiracy to commit prohibited acts
16 under the Drug Precursor Act, as provided in Paragraph (2) of
17 Subsection B of Section 30-31B-12 NMSA 1978 and Section
18 30-28-2 NMSA 1978, presumptive penalties and fines;

19 (750) solicitation to commit prohibited acts
20 under the Drug Precursor Act, as provided in Paragraph (2) of
21 Subsection B of Section 30-31B-12 NMSA 1978 and Section
22 30-28-3 NMSA 1978, presumptive penalties and fines;

23 (751) prohibited acts under the Drug
24 Precursor Act, as provided in Paragraph (3) of Subsection B of
25 Section 30-31B-12 NMSA 1978, presumptive non-prison;

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1 (752) attempt to commit prohibited acts under
2 the Drug Precursor Act, as provided in Paragraph (3) of
3 Subsection B of Section 30-31B-12 NMSA 1978 and Section
4 30-28-1 NMSA 1978, presumptive penalties and fines;

5 (753) conspiracy to commit prohibited acts
6 under the Drug Precursor Act, as provided in Paragraph (3) of
7 Subsection B of Section 30-31B-12 NMSA 1978 and Section
8 30-28-2 NMSA 1978, presumptive penalties and fines;

9 (754) solicitation to commit prohibited acts
10 under the Drug Precursor Act, as provided in Paragraph (3) of
11 Subsection B of Section 30-31B-12 NMSA 1978 and Section
12 30-28-3 NMSA 1978, presumptive penalties and fines;

13 (755) violation of the Indian Arts and Crafts
14 Sales Act, as provided in Subsection E of Section 30-33-9 NMSA
15 1978, presumptive penalties and fines;

16 (756) conspiracy to commit violation of the
17 Indian Arts and Crafts Sales Act, as provided in Subsection E
18 of Section 30-33-9 NMSA 1978 and Section 30-28-2 NMSA 1978,
19 presumptive penalties and fines;

20 (757) solicitation to commit violation of the
21 Indian Arts and Crafts Sales Act, as provided in Subsection E
22 of Section 30-33-9 NMSA 1978 and Section 30-28-3 NMSA 1978,
23 presumptive penalties and fines;

24 (758) obtaining or attempting to obtain any
25 telecommunications service without paying the lawful charge in

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1 whole or in part when the charges for the telecommunications
2 service obtained are more than two hundred fifty dollars
3 (\$250) but not more than two thousand five hundred dollars
4 (\$2,500), as provided in Subsection A of Section 30-33-13 NMSA
5 1978, presumptive non-prison;

6 (759) attempt to commit obtaining or
7 attempting to obtain any telecommunications service without
8 paying the lawful charge in whole or in part when the charges
9 for the telecommunications service obtained are more than two
10 hundred fifty dollars (\$250) but not more than two thousand
11 five hundred dollars (\$2,500), as provided in Subsection A of
12 Section 30-33-13 NMSA 1978 and Section 30-28-1 NMSA 1978,
13 presumptive penalties and fines;

14 (760) conspiracy to commit obtaining or
15 attempting to obtain any telecommunications service without
16 paying the lawful charge in whole or in part when the charges
17 for the telecommunications service obtained are more than two
18 hundred fifty dollars (\$250) but not more than two thousand
19 five hundred dollars (\$2,500), as provided in Subsection A of
20 Section 30-33-13 NMSA 1978 and Section 30-28-2 NMSA 1978,
21 presumptive penalties and fines;

22 (761) solicitation to commit obtaining or
23 attempting to obtain any telecommunications service without
24 paying the lawful charge in whole or in part when the charges
25 for the telecommunications service obtained are more than two

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1 hundred fifty dollars (\$250) but not more than two thousand
2 five hundred dollars (\$2,500), as provided in Subsection A of
3 Section 30-33-13 NMSA 1978 and Section 30-28-3 NMSA 1978,
4 presumptive penalties and fines;

5 (762) obtaining or attempting to obtain any
6 telecommunications service without paying the lawful charge in
7 whole or in part when the charges for the telecommunications
8 service obtained are more than two thousand five hundred
9 dollars (\$2,500) but not more than twenty thousand dollars
10 (\$20,000), as provided in Subsection A of Section 30-33-13
11 NMSA 1978, presumptive non-prison;

12 (763) attempt to commit obtaining or
13 attempting to obtain any telecommunications service without
14 paying the lawful charge in whole or in part when the charges
15 for the telecommunications service obtained are more than two
16 thousand five hundred dollars (\$2,500) but not more than
17 twenty thousand dollars (\$20,000), as provided in Subsection A
18 of Section 30-33-13 NMSA 1978 and Section 30-28-1 NMSA 1978,
19 presumptive penalties and fines;

20 (764) conspiracy to commit obtaining or
21 attempting to obtain any telecommunications service without
22 paying the lawful charge in whole or in part when the charges
23 for the telecommunications service obtained are more than two
24 thousand five hundred dollars (\$2,500) but not more than
25 twenty thousand dollars (\$20,000), as provided in Subsection A

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1 of Section 30-33-13 NMSA 1978 and Section 30-28-2 NMSA 1978,
2 presumptive penalties and fines;

3 (765) solicitation to commit obtaining or
4 attempting to obtain any telecommunications service without
5 paying the lawful charge in whole or in part when the charges
6 for the telecommunications service obtained are more than two
7 thousand five hundred dollars (\$2,500) but not more than
8 twenty thousand dollars (\$20,000), as provided in Subsection A
9 of Section 30-33-13 NMSA 1978 and Section 30-28-3 NMSA 1978,
10 presumptive penalties and fines;

11 (766) obtaining or attempting to obtain any
12 telecommunications service without paying the lawful charge in
13 whole or in part when the charges for the telecommunications
14 service obtained are more than twenty thousand dollars
15 (\$20,000), as provided in Subsection A of Section 30-33-13
16 NMSA 1978, no presumption;

17 (767) attempt to commit obtaining or
18 attempting to obtain any telecommunications service without
19 paying the lawful charge in whole or in part when the charges
20 for the telecommunications service obtained are more than
21 twenty thousand dollars (\$20,000), as provided in Subsection A
22 of Section 30-33-13 NMSA 1978 and Section 30-28-1 NMSA 1978,
23 presumptive non-prison;

24 (768) conspiracy to commit obtaining or
25 attempting to obtain any telecommunications service without

1 paying the lawful charge in whole or in part when the charges
2 for the telecommunications service obtained are more than
3 twenty thousand dollars (\$20,000), as provided in Subsection A
4 of Section 30-33-13 NMSA 1978 and Section 30-28-2 NMSA 1978,
5 presumptive non-prison;

6 (769) solicitation to commit obtaining or
7 attempting to obtain any telecommunications service without
8 paying the lawful charge in whole or in part when the charges
9 for the telecommunications service obtained are more than
10 twenty thousand dollars (\$20,000), as provided in Subsection A
11 of Section 30-33-13 NMSA 1978 and Section 30-28-3 NMSA 1978,
12 presumptive non-prison;

13 (770) making, possessing, selling, giving or
14 transferring certain devices for certain purposes, second or
15 subsequent offense, as provided in Subsection B of Section
16 30-33-13 NMSA 1978, presumptive non-prison;

17 (771) conspiracy to commit making,
18 possessing, selling, giving or transferring certain devices
19 for certain purposes, second or subsequent offense, as
20 provided in Subsection B of Section 30-33-13 NMSA 1978 and
21 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

22 (772) solicitation to commit making,
23 possessing, selling, giving or transferring certain devices
24 for certain purposes, second or subsequent offense, as
25 provided in Subsection B of Section 30-33-13 NMSA 1978 and

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1 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

2 (773) issuing a worthless check, as provided
3 in Subsection B of Section 30-36-5 NMSA 1978, presumptive non-
4 prison;

5 (774) conspiracy to commit issuing a
6 worthless check, as provided in Subsection B of Section 30-36-
7 5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
8 penalties and fines;

9 (775) solicitation to commit issuing a
10 worthless check, as provided in Subsection B of Section
11 30-36-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
12 penalties and fines;

13 (776) child luring, as provided in Subsection
14 B of Section 30-37-3.2 NMSA 1978, presumptive non-prison;

15 (777) conspiracy to commit child luring, as
16 provided in Subsection B of Section 30-37-3.2 NMSA 1978 and
17 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

18 (778) solicitation to commit child luring, as
19 provided in Subsection B of Section 30-37-3.2 NMSA 1978 and
20 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

21 (779) failing to disclose facts or change of
22 circumstances to obtain public assistance, as provided in
23 Subsection D of Section 30-40-1 NMSA 1978, presumptive non-
24 prison;

25 (780) conspiracy to commit failing to

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1 disclose facts or change of circumstances to obtain public
2 assistance, as provided in Subsection D of Section 30-40-1
3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
4 and fines;

5 (781) solicitation to commit failing to
6 disclose facts or change of circumstances to obtain public
7 assistance, as provided in Subsection D of Section 30-40-1
8 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
9 and fines;

10 (782) failing to disclose facts or change of
11 circumstances to obtain public assistance, as provided in
12 Subsection E of Section 30-40-1 NMSA 1978, presumptive non-
13 prison;

14 (783) attempt to commit failing to disclose
15 facts or change of circumstances to obtain public assistance,
16 as provided in Subsection E of Section 30-40-1 NMSA 1978 and
17 Section 30-28-1 NMSA 1978, presumptive penalties and fines;

18 (784) conspiracy to commit failing to
19 disclose facts or change of circumstances to obtain public
20 assistance, as provided in Subsection E of Section 30-40-1
21 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
22 and fines;

23 (785) solicitation to commit failing to
24 disclose facts or change of circumstances to obtain public
25 assistance, as provided in Subsection E of Section 30-40-1

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1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
2 and fines;

3 (786) failing to disclose facts or change of
4 circumstances to obtain public assistance, as provided in
5 Subsection F of Section 30-40-1 NMSA 1978, no presumption;

6 (787) attempt to commit failing to disclose
7 facts or change of circumstances to obtain public assistance,
8 as provided in Subsection F of Section 30-40-1 NMSA 1978 and
9 Section 30-28-1 NMSA 1978, presumptive non-prison;

10 (788) conspiracy to commit failing to
11 disclose facts or change of circumstances to obtain public
12 assistance, as provided in Subsection F of Section 30-40-1
13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
14 prison;

15 (789) solicitation to commit failing to
16 disclose facts or change of circumstances to obtain public
17 assistance, as provided in Subsection F of Section 30-40-1
18 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
19 prison;

20 (790) unlawful use of food stamp
21 identification card or medical identification card, as
22 provided in Subsection D of Section 30-40-2 NMSA 1978,
23 presumptive non-prison;

24 (791) conspiracy to commit unlawful use of
25 food stamp identification card or medical identification card,

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1 as provided in Subsection D of Section 30-40-2 NMSA 1978 and
2 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

3 (792) solicitation to commit unlawful use of
4 food stamp identification card or medical identification card,
5 as provided in Subsection D of Section 30-40-2 NMSA 1978 and
6 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

7 (793) unlawful use of food stamp
8 identification card or medical identification card, as
9 provided in Subsection E of Section 30-40-2 NMSA 1978,
10 presumptive non-prison;

11 (794) attempt to commit unlawful use of food
12 stamp identification card or medical identification card, as
13 provided in Subsection E of Section 30-40-2 NMSA 1978 and
14 Section 30-28-1 NMSA 1978, presumptive penalties and fines;

15 (795) conspiracy to commit unlawful use of
16 food stamp identification card or medical identification card,
17 as provided in Subsection E of Section 30-40-2 NMSA 1978 and
18 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

19 (796) solicitation to commit unlawful use of
20 food stamp identification card or medical identification card,
21 as provided in Subsection E of Section 30-40-2 NMSA 1978 and
22 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

23 (797) unlawful use of food stamp
24 identification card or medical identification card, as
25 provided in Subsection F of Section 30-40-2 NMSA 1978, no

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1 presumption;

2 (798) attempt to commit unlawful use of food
3 stamp identification card or medical identification card, as
4 provided in Subsection F of Section 30-40-2 NMSA 1978 and
5 Section 30-28-1 NMSA 1978, presumptive non-prison;

6 (799) conspiracy to commit unlawful use of
7 food stamp identification card or medical identification card,
8 as provided in Subsection F of Section 30-40-2 NMSA 1978 and
9 Section 30-28-2 NMSA 1978, presumptive non-prison;

10 (800) solicitation to commit unlawful use of
11 food stamp identification card or medical identification card,
12 as provided in Subsection F of Section 30-40-2 NMSA 1978 and
13 Section 30-28-3 NMSA 1978, presumptive non-prison;

14 (801) misappropriating public assistance, as
15 provided in Subsection D of Section 30-40-3 NMSA 1978,
16 presumptive non-prison;

17 (802) conspiracy to commit misappropriating
18 public assistance, as provided in Subsection D of Section
19 30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
20 penalties and fines;

21 (803) solicitation to commit misappropriating
22 public assistance, as provided in Subsection D of Section
23 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
24 penalties and fines;

25 (804) misappropriating public assistance, as

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1 provided in Subsection E of Section 30-40-3 NMSA 1978,
2 presumptive non-prison;

3 (805) attempt to commit misappropriating
4 public assistance, as provided in Subsection E of Section
5 30-40-3 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
6 penalties and fines;

7 (806) conspiracy to commit misappropriating
8 public assistance, as provided in Subsection E of Section
9 30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
10 penalties and fines;

11 (807) solicitation to commit misappropriating
12 public assistance, as provided in Subsection E of Section
13 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
14 penalties and fines;

15 (808) misappropriating public assistance, as
16 provided in Subsection F of Section 30-40-3 NMSA 1978, no
17 presumption;

18 (809) attempt to commit misappropriating
19 public assistance, as provided in Subsection F of Section
20 30-40-3 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
21 non-prison;

22 (810) conspiracy to commit misappropriating
23 public assistance, as provided in Subsection F of Section
24 30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
25 non-prison;

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1 (811) solicitation to commit misappropriating
2 public assistance, as provided in Subsection F of Section
3 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
4 non-prison;

5 (812) misappropriating public assistance, as
6 provided in Subsection G of Section 30-40-3 NMSA 1978,
7 presumptive non-prison;

8 (813) conspiracy to commit misappropriating
9 public assistance, as provided in Subsection G of Section
10 30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
11 penalties and fines;

12 (814) solicitation to commit misappropriating
13 public assistance, as provided in Subsection G of Section
14 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
15 penalties and fines;

16 (815) making or permitting a false claim for
17 reimbursement for public assistance services, as provided in
18 Section 30-40-4 NMSA 1978, presumptive non-prison;

19 (816) conspiracy to commit making or
20 permitting a false claim for reimbursement for public
21 assistance services, as provided in Sections 30-40-4 and
22 30-28-2 NMSA 1978, presumptive penalties and fines;

23 (817) solicitation to commit making or
24 permitting a false claim for reimbursement for public
25 assistance services, as provided in Sections 30-40-4 and

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1 30-28-3 NMSA 1978, presumptive penalties and fines;

2 (818) failure to reimburse the human services
3 department upon receipt of third-party payment, as provided in
4 Subsection D of Section 30-40-6 NMSA 1978, presumptive non-
5 prison;

6 (819) conspiracy to commit failure to
7 reimburse the human services department upon receipt of third-
8 party payment, as provided in Subsection D of Section 30-40-6
9 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
10 and fines;

11 (820) solicitation to commit failure to
12 reimburse the human services department upon receipt of third-
13 party payment, as provided in Subsection D of Section 30-40-6
14 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
15 and fines;

16 (821) failure to reimburse the human services
17 department upon receipt of third-party payment, as provided in
18 Subsection E of Section 30-40-6 NMSA 1978, presumptive non-
19 prison;

20 (822) attempt to commit failure to reimburse
21 the human services department upon receipt of third-party
22 payment, as provided in Subsection E of Section 30-40-6 NMSA
23 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and
24 fines;

25 (823) conspiracy to commit failure to

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1 reimburse the human services department upon receipt of third-
2 party payment, as provided in Subsection E of Section 30-40-6
3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
4 and fines;

5 (824) solicitation to commit failure to
6 reimburse the human services department upon receipt of third-
7 party payment, as provided in Subsection E of Section 30-40-6
8 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
9 and fines;

10 (825) failure to reimburse the human services
11 department upon receipt of third-party payment, as provided in
12 Subsection F of Section 30-40-6 NMSA 1978, no presumption;

13 (826) attempt to commit failure to reimburse
14 the human services department upon receipt of third-party
15 payment, as provided in Subsection F of Section 30-40-6 NMSA
16 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

17 (827) conspiracy to commit failure to
18 reimburse the human services department upon receipt of third-
19 party payment, as provided in Subsection F of Section 30-40-6
20 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
21 prison;

22 (828) solicitation to commit failure to
23 reimburse the human services department upon receipt of third-
24 party payment, as provided in Subsection F of Section 30-40-6
25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-

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1 prison;

2 (829) soliciting or receiving illegal
3 kickback, as provided in Section 30-41-1 NMSA 1978,
4 presumptive non-prison;

5 (830) conspiracy to commit soliciting or
6 receiving illegal kickback, as provided in Sections 30-41-1
7 and 30-28-2 NMSA 1978, presumptive penalties and fines;

8 (831) solicitation to commit soliciting or
9 receiving illegal kickback, as provided in Sections 30-41-1
10 and 30-28-3 NMSA 1978, presumptive penalties and fines;

11 (832) offering or paying illegal kickback, as
12 provided in Section 30-41-2 NMSA 1978, presumptive non-prison;

13 (833) conspiracy to commit offering or paying
14 illegal kickback, as provided in Sections 30-41-2 and 30-28-2
15 NMSA 1978, presumptive penalties and fines;

16 (834) solicitation to commit offering or
17 paying illegal kickback, as provided in Sections 30-41-2 and
18 30-28-3 NMSA 1978, presumptive penalties and fines;

19 (835) racketeering, as provided in Section
20 30-42-4 NMSA 1978, no presumption;

21 (836) attempt to commit racketeering, as
22 provided in Sections 30-42-4 and 30-28-1 NMSA 1978, no
23 presumption;

24 (837) conspiracy to commit racketeering, as
25 provided in Sections 30-42-4 and 30-28-2 NMSA 1978, no

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1 presumption;

2 (838) solicitation to commit racketeering, as
3 provided in Sections 30-42-4 and 30-28-3 NMSA 1978, no
4 presumption;

5 (839) making extortionate extensions of
6 credit, as provided in Section 30-43-3 NMSA 1978, presumptive
7 non-prison;

8 (840) attempt to commit making extortionate
9 extensions of credit, as provided in Sections 30-43-3 and
10 30-28-1 NMSA 1978, presumptive penalties and fines;

11 (841) conspiracy to commit making
12 extortionate extensions of credit, as provided in Sections 30-
13 43-3 and 30-28-2 NMSA 1978, presumptive penalties and fines;

14 (842) solicitation to commit making
15 extortionate extensions of credit, as provided in Sections
16 30-43-3 and 30-28-3 NMSA 1978, presumptive penalties and
17 fines;

18 (843) financing extortionate extensions of
19 credit, as provided in Section 30-43-4 NMSA 1978, presumptive
20 non-prison;

21 (844) attempt to commit financing
22 extortionate extensions of credit, as provided in Sections 30-
23 43-4 and 30-28-1 NMSA 1978, presumptive penalties and fines;

24 (845) conspiracy to commit financing
25 extortionate extensions of credit, as provided in Sections

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1 30-43-4 and 30-28-2 NMSA 1978, presumptive penalties and
2 fines;

3 (846) solicitation to commit financing
4 extortionate extensions of credit, as provided in Sections
5 30-43-4 and 30-28-3 NMSA 1978, presumptive penalties and
6 fines;

7 (847) collection of extensions of credit by
8 extortionate means, as provided in Section 30-43-5 NMSA 1978,
9 no presumption;

10 (848) attempt to commit collection of
11 extensions of credit by extortionate means, as provided in
12 Sections 30-43-5 and 30-28-1 NMSA 1978, presumptive non-
13 prison;

14 (849) conspiracy to commit collection of
15 extensions of credit by extortionate means, as provided in
16 Sections 30-43-5 and 30-28-2 NMSA 1978, presumptive non-
17 prison;

18 (850) solicitation to commit collection of
19 extensions of credit by extortionate means, as provided in
20 Sections 30-43-5 and 30-28-3 NMSA 1978, presumptive non-
21 prison;

22 (851) falsification of documents, as provided
23 in Section 30-44-4 NMSA 1978, presumptive penalties and fines;

24 (852) conspiracy to commit falsification of
25 documents, as provided in Sections 30-44-4 and 30-28-2 NMSA

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1 1978, presumptive penalties and fines;

2 (853) solicitation to commit falsification of
3 documents, as provided in Sections 30-44-4 and 30-28-3 NMSA
4 1978, presumptive penalties and fines;

5 (854) failure to retain records, as provided
6 in Paragraph (2) of Subsection C of Section 30-44-5 NMSA 1978,
7 presumptive penalties and fines;

8 (855) conspiracy to commit failure to retain
9 records, as provided in Paragraph (2) of Subsection C of
10 Section 30-44-5 NMSA 1978 and Section 30-28-2 NMSA 1978,
11 presumptive penalties and fines;

12 (856) solicitation to commit failure to
13 retain records, as provided in Paragraph (2) of Subsection C
14 of Section 30-44-5 NMSA 1978 and Section 30-28-3 NMSA 1978,
15 presumptive penalties and fines;

16 (857) obstruction of investigation, as
17 provided in Section 30-44-6 NMSA 1978, presumptive penalties
18 and fines;

19 (858) conspiracy to commit obstruction of
20 investigation, as provided in Sections 30-44-6 and 30-28-2
21 NMSA 1978, presumptive penalties and fines;

22 (859) solicitation to obstruction of
23 investigation, as provided in Sections 30-44-6 and 30-28-3
24 NMSA 1978, presumptive penalties and fines;

25 (860) medicaid fraud, as provided in

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1 Subsection B of Section 30-44-7 NMSA 1978, presumptive non-
2 prison;

3 (861) conspiracy to commit medicaid fraud, as
4 provided in Subsection B of Section 30-44-7 NMSA 1978 and
5 Section 30-28-2 NMSA 1978, presumptive penalties and fines;

6 (862) solicitation to commit medicaid fraud,
7 as provided in Subsection B of Section 30-44-7 NMSA 1978 and
8 Section 30-28-3 NMSA 1978, presumptive penalties and fines;

9 (863) medicaid fraud, as provided in
10 Paragraph (3) of Subsection C of Section 30-44-7 NMSA 1978,
11 presumptive non-prison;

12 (864) conspiracy to commit medicaid fraud, as
13 provided in Paragraph (3) of Subsection C of Section 30-44-7
14 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
15 and fines;

16 (865) solicitation to commit medicaid fraud,
17 as provided in Paragraph (3) of Subsection C of Section
18 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
19 penalties and fines;

20 (866) medicaid fraud, as provided in
21 Paragraph (4) of Subsection C of Section 30-44-7 NMSA 1978,
22 presumptive non-prison;

23 (867) attempt to commit medicaid fraud, as
24 provided in Paragraph (4) of Subsection C of Section 30-44-7
25 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties

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1 and fines;

2 (868) conspiracy to commit medicaid fraud, as
3 provided in Paragraph (4) of Subsection C of Section 30-44-7
4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
5 and fines;

6 (869) solicitation to commit medicaid fraud,
7 as provided in Paragraph (4) of Subsection C of Section
8 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
9 penalties and fines;

10 (870) medicaid fraud, as provided in
11 Paragraph (5) of Subsection C of Section 30-44-7 NMSA 1978, no
12 presumption;

13 (871) attempt to commit medicaid fraud, as
14 provided in Paragraph (5) of Subsection C of Section 30-44-7
15 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-
16 prison;

17 (872) conspiracy to commit medicaid fraud, as
18 provided in Paragraph (5) of Subsection C of Section 30-44-7
19 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
20 prison;

21 (873) solicitation to commit medicaid fraud,
22 as provided in Paragraph (5) of Subsection C of Section
23 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
24 non-prison;

25 (874) medicaid fraud, as provided in

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1 Subsection D of Section 30-44-7 NMSA 1978, no presumption;
2 (875) conspiracy to commit medicaid fraud, as
3 provided in Subsection D of Section 30-44-7 NMSA 1978 and
4 Section 30-28-2 NMSA 1978, presumptive non-prison;
5 (876) solicitation to commit medicaid fraud,
6 as provided in Subsection D of Section 30-44-7 NMSA 1978 and
7 Section 30-28-3 NMSA 1978, presumptive non-prison;
8 (877) medicaid fraud, as provided in
9 Subsection E of Section 30-44-7 NMSA 1978, no presumption;
10 (878) attempt to commit medicaid fraud, as
11 provided in Subsection E of Section 30-44-7 NMSA 1978 and
12 Section 30-28-1 NMSA 1978, presumptive non-prison;
13 (879) conspiracy to commit medicaid fraud, as
14 provided in Subsection E of Section 30-44-7 NMSA 1978 and
15 Section 30-28-2 NMSA 1978, presumptive non-prison;
16 (880) solicitation to commit medicaid fraud,
17 as provided in Subsection E of Section 30-44-7 NMSA 1978 and
18 Section 30-28-3 NMSA 1978, presumptive non-prison;
19 (881) medicaid fraud, as provided in
20 Subsection F of Section 30-44-7 NMSA 1978, no presumption;
21 (882) attempt to commit medicaid fraud, as
22 provided in Subsection F of Section 30-44-7 NMSA 1978 and
23 Section 30-28-1 NMSA 1978, presumptive non-prison;
24 (883) conspiracy to commit medicaid fraud, as
25 provided in Subsection F of Section 30-44-7 NMSA 1978 and

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1 Section 30-28-2 NMSA 1978, presumptive non-prison;

2 (884) solicitation to commit medicaid fraud,
3 as provided in Subsection F of Section 30-44-7 NMSA 1978 and
4 Section 30-28-3 NMSA 1978, presumptive non-prison;

5 (885) computer access with intent to defraud
6 or embezzle, as provided in Subsection C of Section 30-45-3
7 NMSA 1978, presumptive non-prison;

8 (886) conspiracy to commit computer access
9 with intent to defraud or embezzle, as provided in Subsection
10 C of Section 30-45-3 NMSA 1978 and Section 30-28-2 NMSA 1978,
11 presumptive penalties and fines;

12 (887) solicitation to commit computer access
13 with intent to defraud or embezzle, as provided in Subsection
14 C of Section 30-45-3 NMSA 1978 and Section 30-28-3 NMSA 1978,
15 presumptive penalties and fines;

16 (888) computer access with intent to defraud
17 or embezzle, as provided in Subsection D of Section 30-45-3
18 NMSA 1978, presumptive non-prison;

19 (889) attempt to commit computer access with
20 intent to defraud or embezzle, as provided in Subsection D of
21 Section 30-45-3 NMSA 1978 and Section 30-28-1 NMSA 1978,
22 presumptive penalties and fines;

23 (890) conspiracy to commit computer access
24 with intent to defraud or embezzle, as provided in Subsection
25 D of Section 30-45-3 NMSA 1978 and Section 30-28-2 NMSA 1978,

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1 presumptive penalties and fines;

2 (891) solicitation to commit computer access
3 with intent to defraud or embezzle, as provided in Subsection
4 D of Section 30-45-3 NMSA 1978 and Section 30-28-3 NMSA 1978,
5 presumptive penalties and fines;

6 (892) computer access with intent to defraud
7 or embezzle, as provided in Subsection E of Section 30-45-3
8 NMSA 1978, no presumption;

9 (893) attempt to commit computer access with
10 intent to defraud or embezzle, as provided in Subsection E of
11 Section 30-45-3 NMSA 1978 and Section 30-28-1 NMSA 1978,
12 presumptive non-prison;

13 (894) conspiracy to commit computer access
14 with intent to defraud or embezzle, as provided in Subsection
15 E of Section 30-45-3 NMSA 1978 and Section 30-28-2 NMSA 1978,
16 presumptive non-prison;

17 (895) solicitation to commit computer access
18 with intent to defraud or embezzle, as provided in Subsection
19 E of Section 30-45-3 NMSA 1978 and Section 30-28-3 NMSA 1978,
20 presumptive non-prison;

21 (896) computer abuse, as provided in
22 Paragraph (3) of Subsection A of Section 30-45-4 NMSA 1978,
23 presumptive non-prison;

24 (897) conspiracy to commit computer abuse, as
25 provided in Paragraph (3) of Subsection A of Section 30-45-4

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1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
2 and fines;

3 (898) solicitation to commit computer abuse,
4 as provided in Paragraph (3) of Subsection A of Section
5 30-45-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
6 penalties and fines;

7 (899) computer abuse, as provided in
8 Paragraph (4) of Subsection A of Section 30-45-4 NMSA 1978,
9 presumptive non-prison;

10 (900) attempt to commit computer abuse, as
11 provided in Paragraph (4) of Subsection A of Section 30-45-4
12 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties
13 and fines;

14 (901) conspiracy to commit computer access
15 with intent to defraud or embezzle, as provided in Paragraph
16 (4) of Subsection A of Section 30-45-4 NMSA 1978 and Section
17 30-28-2 NMSA 1978, presumptive penalties and fines;

18 (902) solicitation to commit computer abuse,
19 as provided in Paragraph (4) of Subsection A of Section
20 30-45-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
21 penalties and fines;

22 (903) computer abuse, as provided in
23 Paragraph (5) of Subsection A of Section 30-45-4 NMSA 1978, no
24 presumption;

25 (904) attempt to commit computer abuse, as

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1 provided in Paragraph (5) of Subsection A of Section 30-45-4
2 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-
3 prison;

4 (905) conspiracy to commit computer abuse, as
5 provided in Paragraph (5) of Subsection A of Section 30-45-4
6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
7 prison;

8 (906) solicitation to commit computer abuse,
9 as provided in Paragraph (5) of Subsection A of Section
10 30-45-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
11 non-prison;

12 (907) unauthorized computer use, as provided
13 in Subsection C of Section 30-45-5 NMSA 1978, presumptive non-
14 prison;

15 (908) conspiracy to commit unauthorized
16 computer use, as provided in Subsection C of Section 30-45-5
17 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
18 and fines;

19 (909) solicitation to commit unauthorized
20 computer use, as provided in Subsection C of Section 30-45-5
21 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
22 and fines;

23 (910) unauthorized computer use, as provided
24 in Subsection D of Section 30-45-5 NMSA 1978, presumptive non-
25 prison;

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1 (911) attempt to commit unauthorized computer
2 use, as provided in Subsection D of Section 30-45-5 NMSA 1978
3 and Section 30-28-1 NMSA 1978, presumptive penalties and
4 fines;

5 (912) conspiracy to commit unauthorized
6 computer use with intent to defraud or embezzle, as provided
7 in Subsection D of Section 30-45-5 NMSA 1978 and Section
8 30-28-2 NMSA 1978, presumptive penalties and fines;

9 (913) solicitation to commit unauthorized
10 computer use, as provided in Subsection D of Section 30-45-5
11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
12 and fines;

13 (914) unauthorized computer use, as provided
14 in Subsection E of Section 30-45-5 NMSA 1978, no presumption;

15 (915) attempt to commit unauthorized computer
16 use, as provided in Subsection E of Section 30-45-5 NMSA 1978
17 and Section 30-28-1 NMSA 1978, presumptive non-prison;

18 (916) conspiracy to commit unauthorized
19 computer use, as provided in Subsection E of Section 30-45-5
20 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
21 prison;

22 (917) solicitation to commit unauthorized
23 computer use, as provided in Subsection E of Section 30-45-5
24 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
25 prison;

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1 (918) abuse of a resident, as provided in
2 Subsection B of Section 30-47-4 NMSA 1978, no presumption;

3 (919) conspiracy to commit abuse of a
4 resident, as provided in Subsection B of Section 30-47-4 NMSA
5 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

6 (920) solicitation to commit abuse of a
7 resident, as provided in Subsection B of Section 30-47-4 NMSA
8 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

9 (921) abuse of a resident, as provided in
10 Subsection C of Section 30-47-4 NMSA 1978, no presumption;

11 (922) attempt to commit abuse of a resident,
12 as provided in Subsection C of Section 30-47-4 NMSA 1978 and
13 Section 30-28-1 NMSA 1978, presumptive non-prison;

14 (923) conspiracy to commit abuse of a
15 resident, as provided in Subsection C of Section 30-47-4 NMSA
16 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

17 (924) solicitation to commit abuse of a
18 resident, as provided in Subsection C of Section 30-47-4 NMSA
19 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

20 (925) abuse of a resident, as provided in
21 Subsection D of Section 30-47-4 NMSA 1978, no presumption;

22 (926) attempt to commit abuse of a resident,
23 as provided in Subsection D of Section 30-47-4 NMSA 1978 and
24 Section 30-28-1 NMSA 1978, presumptive non-prison;

25 (927) conspiracy to commit abuse of a

underscored material = new
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1 resident, as provided in Subsection D of Section 30-47-4 NMSA
2 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

3 (928) solicitation to commit abuse of a
4 resident, as provided in Subsection D of Section 30-47-4 NMSA
5 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

6 (929) neglect of a resident, as provided in
7 Subsection B of Section 30-47-5 NMSA 1978, presumptive non-
8 prison;

9 (930) conspiracy to commit neglect of a
10 resident, as provided in Subsection B of Section 30-47-5 NMSA
11 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and
12 fines;

13 (931) solicitation to commit neglect of a
14 resident, as provided in Subsection B of Section 30-47-5 NMSA
15 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and
16 fines;

17 (932) neglect of a resident, as provided in
18 Subsection C of Section 30-47-5 NMSA 1978, no presumption;

19 (933) attempt to commit neglect of a
20 resident, as provided in Subsection C of Section 30-47-5 NMSA
21 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

22 (934) conspiracy to commit neglect of a
23 resident, as provided in Subsection C of Section 30-47-5 NMSA
24 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

25 (935) solicitation to commit neglect of a

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1 resident, as provided in Subsection C of Section 30-47-5 NMSA
2 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

3 (936) neglect of a resident, as provided in
4 Subsection D of Section 30-47-5 NMSA 1978, no presumption;

5 (937) attempt to commit neglect of a
6 resident, as provided in Subsection D of Section 30-47-5 NMSA
7 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

8 (938) conspiracy to commit neglect of a
9 resident, as provided in Subsection D of Section 30-47-5 NMSA
10 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

11 (939) solicitation to commit neglect of a
12 resident, as provided in Subsection D of Section 30-47-5 NMSA
13 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

14 (940) exploitation of a resident's property,
15 as provided in Subsection D of Section 30-47-6 NMSA 1978,
16 presumptive non-prison;

17 (941) conspiracy to commit exploitation of a
18 resident's property, as provided in Subsection D of Section
19 30-47-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
20 penalties and fines;

21 (942) solicitation to commit exploitation of
22 a resident's property, as provided in Subsection D of Section
23 30-47-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
24 penalties and fines;

25 (943) exploitation of a resident's property,

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1 as provided in Subsection E of Section 30-47-6 NMSA 1978,
2 presumptive non-prison;

3 (944) attempt to commit exploitation of a
4 resident's property, as provided in Subsection E of Section
5 30-47-6 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
6 penalties and fines;

7 (945) conspiracy to commit exploitation of a
8 resident's property, as provided in Subsection E of Section
9 30-47-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
10 penalties and fines;

11 (946) solicitation to commit exploitation of
12 a resident's property, as provided in Subsection E of Section
13 30-47-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
14 penalties and fines;

15 (947) exploitation of a resident's property,
16 as provided in Subsection F of Section 30-47-6 NMSA 1978, no
17 presumption;

18 (948) attempt to commit exploitation of a
19 resident's property, as provided in Subsection F of Section
20 30-47-6 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
21 non-prison;

22 (949) conspiracy to commit exploitation of a
23 resident's property, as provided in Subsection F of Section
24 30-47-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
25 non-prison;

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1 (950) solicitation to commit exploitation of
2 a resident's property, as provided in Subsection F of Section
3 30-47-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
4 non-prison;

5 (951) fraudulent telemarketing, as provided
6 in Subsection B of Section 30-50-4 NMSA 1978, presumptive non-
7 prison;

8 (952) conspiracy to commit fraudulent
9 telemarketing, as provided in Subsection B of Section 30-50-4
10 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties
11 and fines;

12 (953) solicitation to commit fraudulent
13 telemarketing, as provided in Subsection B of Section 30-50-4
14 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
15 and fines;

16 (954) fraudulent telemarketing, as provided
17 in Subsection C of Section 30-50-4 NMSA 1978, presumptive non-
18 prison;

19 (955) attempt to commit fraudulent
20 telemarketing, as provided in Subsection C of Section 30-50-4
21 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties
22 and fines;

23 (956) conspiracy to commit fraudulent
24 telemarketing, as provided in Subsection C of Section 30-50-4
25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties

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1 and fines;

2 (957) solicitation to commit fraudulent
3 telemarketing, as provided in Subsection C of Section 30-50-4
4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties
5 and fines;

6 (958) fraudulent telemarketing, as provided
7 in Subsection D of Section 30-50-4 NMSA 1978, no presumption;

8 (959) attempt to commit fraudulent
9 telemarketing, as provided in Subsection D of Section 30-50-4
10 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-
11 prison;

12 (960) conspiracy to commit fraudulent
13 telemarketing, as provided in Subsection D of Section 30-50-4
14 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-
15 prison;

16 (961) solicitation to commit fraudulent
17 telemarketing, as provided in Subsection D of Section 30-50-4
18 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-
19 prison;

20 (962) providing false or inaccurate
21 information in a report filed with the department of public
22 safety, as provided in Paragraph (2) of Subsection E of
23 Section 30-51-3 NMSA 1978, presumptive penalties and fines;

24 (963) conspiracy to commit providing false or
25 inaccurate information in a report filed with the department

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1 of public safety, as provided in Paragraph (2) of Subsection E
2 of Section 30-51-3 NMSA 1978 and Section 30-28-2 NMSA 1978,
3 presumptive penalties and fines;

4 (964) solicitation to commit providing false
5 or inaccurate information in a report filed with the
6 department of public safety, as provided in Paragraph (2) of
7 Subsection E of Section 30-51-3 NMSA 1978 and Section 30-28-3
8 NMSA 1978, presumptive penalties and fines;

9 (965) money laundering, as provided in
10 Paragraph (1) of Subsection B of Section 30-51-4 NMSA 1978, no
11 presumption;

12 (966) attempt to commit money laundering, as
13 provided in Paragraph (1) of Subsection B of Section 30-51-4
14 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-
15 prison;

16 (967) conspiracy to commit money laundering,
17 as provided in Paragraph (1) of Subsection B of Section
18 30-51-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
19 non-prison;

20 (968) solicitation to commit money
21 laundering, as provided in Paragraph (1) of Subsection B of
22 Section 30-51-4 NMSA 1978 and Section 30-28-3 NMSA 1978,
23 presumptive non-prison;

24 (969) money laundering, as provided in
25 Paragraph (2) of Subsection B of Section 30-51-4 NMSA 1978,

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1 presumptive non-prison;

2 (970) attempt to commit money laundering, as
3 provided in Paragraph (2) of Subsection B of Section 30-51-4
4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties
5 and fines;

6 (971) conspiracy to commit money laundering,
7 as provided in Paragraph (2) of Subsection B of Section
8 30-51-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
9 penalties and fines;

10 (972) solicitation to commit money
11 laundering, as provided in Paragraph (2) of Subsection B of
12 Section 30-51-4 NMSA 1978 and Section 30-28-3 NMSA 1978,
13 presumptive penalties and fines;

14 (973) money laundering, as provided in
15 Paragraph (3) of Subsection B of Section 30-51-4 NMSA 1978,
16 presumptive non-prison;

17 (974) conspiracy to commit money laundering,
18 as provided in Paragraph (3) of Subsection B of Section
19 30-51-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
20 penalties and fines; and

21 (975) solicitation to commit money
22 laundering, as provided in Paragraph (3) of Subsection B of
23 Section 30-51-4 NMSA 1978 and Section 30-28-3 NMSA 1978,
24 presumptive penalties and fines.

25 B. Upon sentencing a person convicted of a

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1 criminal offense, the sentencing court shall ordinarily assign
2 the presumptive sentence that is indicated in Subsection A of
3 this section. The sentencing court may depart from that
4 presumptive sentence only when there are substantial and
5 compelling reasons, stated on the record, for departing from
6 the sentence.

7 Section 5. Section 31-18-16 NMSA 1978 (being Laws 1977,
8 Chapter 216, Section 5, as amended) is amended to read:

9 "31-18-16. USE OF FIREARM - ALTERATION OF BASIC
10 SENTENCE--SUSPENSION AND DEFERRAL LIMITED. --

11 A. When a separate finding of fact by the court or
12 jury shows that a firearm was used in the commission of a
13 noncapital felony, the basic sentence of imprisonment
14 prescribed for the offense in Section 31-18-15 NMSA 1978 shall
15 be increased by one year, and the sentence imposed [by]
16 pursuant to this subsection shall be the first year served and
17 shall not be suspended or deferred, [provided that when the
18 offender is a serious youthful offender or a youthful
19 offender, the sentence imposed by this subsection may be
20 increased by one year] unless the sentencing court makes a
21 specific finding that justice will not be served by imposing a
22 mandatory sentence of imprisonment and that there are
23 substantial and compelling reasons, stated on the record, for
24 departing from the sentence imposed pursuant to this
25 subsection.

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B. For a second or subsequent noncapital felony in which a firearm is used, the basic sentence of imprisonment prescribed in Section 31-18-15 NMSA 1978 shall be increased by three years, and the sentence imposed [~~by~~] pursuant to this subsection shall be the first three years served and shall not be suspended or deferred, [~~provided that when the offender is a serious youthful offender or a youthful offender, the sentence imposed by this subsection may be increased by three years~~] unless the sentencing court makes a specific finding that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to this subsection.

C. If the case is tried before a jury and if a prima facie case has been established showing that a firearm was used in the commission of the offense, the court shall submit the issue to the jury by special interrogatory. If the case is tried by the court and if a prima facie case has been established showing that a firearm was used in the commission of the offense, the court shall decide the issue and shall make a separate finding of fact thereon. "

Section 6. Section 31-18-16.1 NMSA 1978 (being Laws 1980, Chapter 36, Section 1, as amended) is amended to read:

"31-18-16.1. NONCAPITAL FELONIES AGAINST PERSONS SIXTY YEARS OF AGE OR OLDER OR HANDICAPPED PERSONS--ALTERATION OF

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1 BASIC SENTENCE--SUSPENSION AND DEFERRAL LIMITED. --

2 A. When a separate finding of fact by the court or
3 jury shows that in the commission of a noncapital felony a
4 person sixty years of age or older or who is handicapped was
5 intentionally injured, the basic sentence of imprisonment
6 prescribed for the offense in Section 31-18-15 NMSA 1978 shall
7 be increased as follows:

8 (1) if the injury inflicted to the person is
9 not likely to cause death or great bodily harm but does cause
10 painful temporary disfigurement or temporary loss or
11 impairment of the functions of any member or organ of the
12 body, the basic sentence shall be increased by one year;
13 [~~provided that when the offender is a serious youthful~~
14 ~~offender or a youthful offender, the sentence imposed by this~~
15 ~~paragraph may be increased by one year]~~ and

16 (2) if the injury inflicted to the person
17 causes great bodily harm or is done with a deadly weapon or is
18 done in any manner whereby great bodily harm or death could be
19 inflicted, the basic sentence shall be increased by two years
20 [~~provided that when the offender is a serious youthful~~
21 ~~offender or a youthful offender, the sentence imposed by this~~
22 ~~paragraph may be increased by two years~~].

23 B. If the case is tried before a jury and if a
24 prima facie case has been established showing that in the
25 commission of the offense a person sixty years of age or older

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1 or who is handicapped was intentionally injured, the court
2 shall submit the issue to the jury by special interrogatory.
3 If the case is tried by the court and if a prima facie case
4 has been established showing that in the commission of the
5 offense a person sixty years of age or older or who is
6 handicapped was intentionally injured, the court shall decide
7 the issue and shall make a separate finding of fact thereon.

8 ~~[C. Any alteration of the basic sentence of~~
9 ~~imprisonment pursuant to the provisions of this section shall~~
10 ~~be served concurrently with any other enhancement alteration~~
11 ~~of basic sentence pursuant to the provisions of the Criminal~~
12 ~~Sentencing Act.~~

13 ~~D.]~~ C. As used in this section, "handicapped"
14 means that the person has a physical or mental impairment that
15 substantially limits one or more of that person's functions,
16 such as caring for himself, performing manual tasks, walking,
17 seeing, hearing, speaking, breathing, learning and working. "

18 Section 7. Section 31-18-17 NMSA 1978 (being Laws 1977,
19 Chapter 216, Section 6, as amended by Laws 1993, Chapter 77,
20 Section 9 and also by Laws 1993, Chapter 283, Section 1) is
21 amended to read:

22 "31-18-17. HABITUAL OFFENDERS-- ALTERATION OF BASIC
23 SENTENCE. --

24 A. For the purposes of this section, "prior felony
25 conviction" means:

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1 (1) a conviction for a prior felony committed
2 within New Mexico whether within the Criminal Code or not; or

3 (2) any prior felony for which the person was
4 convicted other than an offense triable by court martial if:

5 (a) the conviction was rendered by a
6 court of another state, the United States, a territory of the
7 United States or the commonwealth of Puerto Rico;

8 (b) the offense was punishable, at the
9 time of conviction, by death or a maximum term of imprisonment
10 of more than one year; or

11 (c) the offense would have been
12 classified as a felony in this state at the time of
13 conviction.

14 B. Any person convicted of a noncapital felony in
15 this state whether within the Criminal Code or the Controlled
16 Substances Act or not who has incurred one prior felony
17 conviction which was part of a separate transaction or
18 occurrence or conditional discharge under Section [~~31-20-7~~
19 31-20-13 NMSA 1978 is a habitual offender and his basic
20 sentence shall be increased by one year [~~and the sentence~~
21 ~~imposed by this subsection shall not be suspended or~~
22 ~~deferred~~].

23 C. Any person convicted of a noncapital felony in
24 this state whether within the Criminal Code or the Controlled
25 Substances Act or not who has incurred two prior felony

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1 convictions which were parts of separate transactions or
2 occurrences or conditional discharge under Section [~~31-20-7~~]
3 31-20-13 NMSA 1978 is a habitual offender and his basic
4 sentence shall be increased by four years [~~and the sentence~~
5 ~~imposed by this subsection shall not be suspended or~~
6 ~~deferred~~].

7 D. Any person convicted of a noncapital felony in
8 this state whether within the Criminal Code or the Controlled
9 Substances Act or not who has incurred three or more prior
10 felony convictions which were parts of separate transactions
11 or occurrences or conditional discharge under Section
12 [~~31-20-7~~] 31-20-13 NMSA 1978 is a habitual offender and his
13 basic sentence shall be increased by eight years [~~and the~~
14 ~~sentence imposed by this subsection shall not be suspended or~~
15 ~~deferred~~].

16 E. If a person is convicted of a noncapital felony
17 offense listed in Subsection A of Section 4 of the Sentencing
18 Standards Act, which has a presumptive sentence of presumptive
19 prison, the habitual offender sentence enhancement set forth
20 in Subsection B, C or D of this section shall not be suspended
21 or deferred, unless the sentencing court makes a specific
22 finding that justice will not be served by imposing a
23 mandatory sentence of imprisonment and that there are
24 substantial and compelling reasons, stated on the record, for
25 departing from the sentence imposed pursuant to Subsection B,

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1 C or D of this section.

2 F. If a person is convicted of a noncapital felony
3 offense listed in Subsection A of Section 4 of the Sentencing
4 Standards Act, which has a presumptive sentence of no
5 presumption, the habitual offender sentence enhancement set
6 forth in Subsection C or D of this section shall not be
7 suspended or deferred, unless the sentencing court makes a
8 specific finding that justice will not be served by imposing a
9 mandatory sentence of imprisonment and that there are
10 substantial and compelling reasons, stated on the record, for
11 departing from the sentence imposed pursuant to Subsection C
12 or D of this section.

13 G. If a person is convicted of a noncapital felony
14 offense listed in Subsection A of Section 4 of the Sentencing
15 Standards Act, which has a presumptive sentence of presumptive
16 non-prison or presumptive penalties and fines, the habitual
17 offender sentence enhancement set forth in Subsection D of
18 this section shall not be suspended or deferred, unless the
19 sentencing court makes a specific finding that justice will
20 not be served by imposing a mandatory sentence of imprisonment
21 and that there are substantial and compelling reasons, stated
22 on the record, for departing from the sentence imposed
23 pursuant to Subsection D of this section. "

24 Section 8. APPLICABILITY. --The provisions of this act
25 apply to persons convicted of a criminal offense committed on

1 or after July 1, 1999. As to persons convicted of a criminal
2 offense committed prior to July 1, 1999, the laws with respect
3 to sentencing of criminal offenders in effect at the time the
4 criminal offense was committed shall apply.

5 Section 9. EFFECTIVE DATE. --The effective date of the
6 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
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6 February 10, 1999
7

8 Mr. Speaker:
9

10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 225
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 APPROPRIATIONS AND FINANCE COMMITTEE.
17

18 Respectfully submitted,
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22 _____
23 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HJ/HB 225

Page 157

4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 6 For 4 Against

11 Yes: 6

12 No: Godbey, Mallory, Thompson, Vaughn

13 Excused: Luna, Rios

14 Absent: None

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 February 16, 1999

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6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 225

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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20 _____
21 Max Coll, Chair man
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 159

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 4 Against

Yes: 6

No: Larrañaga, Parsons, Pearce, Wallace

Excused: Abeyta, Buffett, Marquardt, Saavedra, Salazar, Townsend,
Watchman

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 12, 1999

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 225

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

Respectfully submitted,

Michael S. Sanchez, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Payne, Tsosie

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION

March 13, 1999

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 255, as amended

Amendment sponsored by Senator Joseph A. Fidel

1. Strike Senate Ways and Means Committee Amendment 2.
2. On page 4, strike lines 10 through 16.
3. Reletter the succeeding subsection accordingly.
4. On page 5, line 19, after "council" strike the remainder of the line and strike all of lines 20 through 23 and insert in lieu thereof "or a post-secondary educational institution as the recipient of the money."".
5. On page 14, between lines 18 and 19, insert the following new section:

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/HB 255, aa

Page 163

"Section 18. REPEAL. -- Section 7-27-11.1 NMSA 1978 (being
Laws 1985 (1st S.S.), Chapter 15, Section 15) is repealed."

6. Renumber the succeeding section accordingly.

Joseph A. Fidel

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

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