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BILL

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO FORFEITURES; CLARIFYING THE DEFINITION OF  
"PROPERTY" IN THE FORFEITURE ACT.

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

SECTION 1. Section 31-27-1 NMSA 1978 (being Laws 2002,  
Chapter 4, Section 1) is amended to read:

"31-27-1. SHORT TITLE.--~~[Sections 1 through 8 of this  
act]~~ Chapter 31, Article 27 NMSA 1978 may be cited as the  
"Forfeiture Act"."

SECTION 2. Section 31-27-3 NMSA 1978 (being Laws 2002,  
Chapter 4, Section 3) is amended to read:

"31-27-3. DEFINITIONS.--As used in the Forfeiture Act:

A. "conviction" or "convicted" means that a person  
has been found guilty of a crime in ~~[the]~~ a trial court whether  
by a plea of guilty or nolo contendere or otherwise and whether

underscored material = new  
[bracketed material] = delete

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1 the sentence is deferred or suspended;

2 B. "crime" means a violation of a criminal statute  
3 for which property of the offender is subject to seizure and  
4 forfeiture;

5 C. "law enforcement agency" means the employer of a  
6 law enforcement officer that has made a seizure of property  
7 pursuant to the Forfeiture Act;

8 D. "law enforcement officer" means a state or  
9 municipal police officer, county sheriff, deputy sheriff,  
10 conservation officer, motor transportation enforcement officer  
11 or other state employee authorized by state law to enforce  
12 criminal statutes, but "law enforcement officer" does not  
13 include a correctional ~~[officers]~~ officer;

14 E. "owner" means a person who has a legal or  
15 equitable ownership interest in property;

16 F. "property" means:

17 (1) tangible or intangible personal property,  
18 including rights, privileges, interests, claims and securities;

19 or

20 (2) real property, including any interest in  
21 real property and anything growing on, attached to or erected  
22 on land;

23 G. "property subject to forfeiture" means property  
24 described and declared to be subject to forfeiture by a state  
25 law outside of the Forfeiture Act; and

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