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HOUSE BILL 407

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE DOLLAR AMOUNT FOR
WRITING A BAD CHECK BEFORE IT BECOMES A FELONY OFFENSE;
AMENDING A SECTION OF THE NMSA 1978.

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

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

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

A. when the amount of the check, draft or order or
the total amount of the checks, drafts or orders [~~are~~] is for
more than one dollar (\$1.00) but less than [~~twenty-five dollars~~
~~(\$25.00)]~~ two hundred fifty dollars (\$250), the person shall be
sentenced to imprisonment in the county jail for a term of not

underscored material = new
[bracketed material] = delete

1 more than thirty days or a fine of not more than one hundred
2 dollars (\$100), or both [~~such imprisonment and fine~~]; or

3 B. when the amount of the check, draft or order or
4 the total amount of the checks, drafts or orders [~~are~~] is for
5 [~~twenty five dollars (\$25.00)~~] two hundred fifty dollars (\$250)
6 or more, the person shall be sentenced to imprisonment in the
7 penitentiary for a term of not less than one year [~~nor~~] or more
8 than three years or the payment of a fine of not more than one
9 thousand dollars (\$1,000), or both [~~such imprisonment and~~
10 ~~fine~~]. "

11 Section 2. EFFECTIVE DATE. --The effective date of the
12 provisions of this act is July 1, 2003.