

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 375

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

AN ACT

RELATING TO CRIMINAL LAW; PROHIBITING INTIMIDATION OF A
JUDICIAL OFFICIAL; PROHIBITING RETALIATION; PROVIDING
PENALTIES.

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

Section 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] INTIMIDATION OF A JUDICIAL OFFICIAL--
RETALIATION.--

A. Intimidation of a judicial official consists of
intimidating or threatening a judicial official or a staff or
family member of a judicial official who is or may become
involved in a judicial, administrative, legislative or other
official cause or proceeding for the purpose of preventing or
influencing a judicial ruling, prosecution, representation,

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underscored material = new
[bracketed material] = delete

1 investigation, testimony, report or sentence.

2 B. Retaliation against a judicial official consists
3 of knowingly causing bodily injury to or intentional damage to
4 the property of a judicial official or a staff or family member
5 of a judicial official, or threatening to do so, with the
6 intent to retaliate against the judicial official for a
7 judicial ruling, prosecution, representation, investigation,
8 testimony, report or sentence.

9 C. A person who commits intimidation of a judicial
10 official is guilty of a third degree felony.

11 D. A person who commits retaliation against a
12 judicial official is guilty of a second degree felony.

13 E. As used in this section:

14 (1) "judicial official" means a justice, a
15 judge, a magistrate, a municipal judge, a special commissioner,
16 a hearing officer, a district attorney, a deputy district
17 attorney, an assistant district attorney, a senior trial
18 prosecutor, a chief public defender, a district public
19 defender, an assistant public defender, the attorney general, a
20 deputy attorney general, an assistant attorney general, a law
21 enforcement officer, a probation and parole officer or an
22 attorney; and

23 (2) "family member" means a person who is a
24 husband or wife, parent or grandparent, child or grandchild or
25 brother or sister by consanguinity or affinity.

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