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HOUSE BILL 57

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO LIVESTOCK; ENACTING THE LIVESTOCK CRIME STOPPERS
ACT; CREATING A LIVESTOCK CRIME STOPPERS PROGRAM; PROVIDING FOR
REWARDS; PROVIDING FOR CONFIDENTIALITY OF RECORDS AND PERSONS
WHO SUBMIT INFORMATION; PROVIDING IMMUNITY FROM LIABILITY;
PRESCRIBING PENALTIES.

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

Section 1. A new section of The Livestock Code is enacted
to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Livestock Crime Stoppers Act"."

Section 2. A new section of The Livestock Code is enacted
to read:

"[NEW MATERIAL] DEFINITIONS.--

A. "livestock-related crime" means a crime

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1 involving livestock, including theft, unlawful branding,
2 unlawful killing or mutilation, illegal movement or other
3 criminal offense involving livestock contained in the Criminal
4 Code or The Livestock Code; provided that, with respect to
5 animal cruelty, "livestock-related crime" means the crime of
6 extreme cruelty to animals; and

7 B. "program" means the livestock crime stoppers
8 program."

9 Section 3. A new section of The Livestock Code is enacted
10 to read:

11 "[NEW MATERIAL] PROGRAM CREATED--POWERS AND DUTIES.--

12 A. The board may establish a "livestock crime
13 stoppers program" to assist the board and state and local law
14 enforcement agencies in the arrest and conviction of persons
15 who commit livestock-related crimes. Through the program, the
16 board may offer rewards to persons who provide information or
17 other assistance leading to a defendant's arrest, prosecution
18 or conviction for a livestock-related crime.

19 B. To implement the program, the board:

20 (1) shall adopt and promulgate rules governing
21 the conduct and administration of the program, including how:

22 (a) rewards will be determined and paid;
23 (b) information received by the program
24 will be collected and transmitted to the proper livestock
25 inspector or other law enforcement agency; and

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1 (c) confidentiality of crime stopper
2 records and the identity of persons who provide information to
3 the program will be maintained;

4 (2) shall encourage the media of the state to
5 promote the program;

6 (3) may enter into contracts for program
7 management, advertising and other purposes necessary to the
8 program, including contracts with other crime stoppers
9 programs; and

10 (4) may solicit and accept gifts, grants and
11 donations and contributions made pursuant to court order and
12 may use other money of the board to support the program.

13 C. The board and the department of finance and
14 administration shall develop procedures to ensure that vouchers
15 and warrants involving reward payments maintain the
16 confidentiality of the reward recipients."

17 Section 4. A new section of The Livestock Code is enacted
18 to read:

19 "[NEW MATERIAL] CONFIDENTIALITY OF RECORDS.--

20 A. Evidence or records of a communication between a
21 person submitting a report to the program and the person
22 accepting the report on behalf of the program are not
23 admissible in a court or an administrative proceeding nor are
24 they subject to inspection as a public record, except as
25 provided in Subsection B of this section.

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1 B. Records and reports of the program are
2 confidential and shall not be produced before a court or other
3 tribunal except on motion by:

4 (1) a criminal defendant claiming that a
5 record or report contains specific evidence that is exculpatory
6 to the defendant on trial for a livestock-related crime; or

7 (2) a person in civil court who has been
8 exonerated of a criminal charge that was filed as a result of a
9 report to the program, and denial of access to a record or
10 report would leave the person without the ability to offer
11 prima facie proof that a legal injury was suffered through the
12 wrongful acts of another.

13 C. Upon motion made pursuant to Subsection B of
14 this section, a court may subpoena a record or report but shall
15 conduct an in camera inspection of the materials produced to
16 determine whether there is evidence as alleged to warrant
17 disclosure pursuant to Subsection B of this section. If the
18 court finds such evidence, the court shall determine how much
19 of the evidence to disclose and whether the identity of the
20 person who submitted the report to the program must be
21 disclosed.

22 D. The court shall protect the identity of a person
23 who submits a report to the program as it would protect the
24 identity of a confidential police informer."

25 Section 5. A new section of The Livestock Code is enacted
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1 to read:

2 "[NEW MATERIAL] CONFIDENTIALITY--PENALTY.--

3 A. It is unlawful for any member, officer or
4 employee of the board or any member, officer or employee of a
5 contractor to reveal to a person other than the proper law
6 enforcement agencies:

7 (1) information gained through the program
8 relating to a livestock-related crime; or

9 (2) the contents of records and reports that
10 are confidential.

11 B. A person who violates Subsection A of this
12 section is guilty of a misdemeanor and shall be sentenced in
13 accordance with the provisions of Section 31-19-1 NMSA 1978."

14 Section 6. A new section of The Livestock Code is enacted
15 to read:

16 "[NEW MATERIAL] IMMUNITY FROM LIABILITY.--A person who in
17 good faith communicates a report of livestock-related criminal
18 activity to the program or who in good faith receives, forwards
19 or acts upon such report is immune from civil liability for any
20 act or omission resulting in the arrest, filing of criminal
21 charges or trial of a person who is later exonerated or
22 acquitted of a criminal charge."

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