

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 318

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO CRIMINAL LAW; CREATING THE CRIME OF ORGANIZED
RETAIL THEFT; PROVIDING PENALTIES.

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

SECTION 1. ORGANIZED RETAIL THEFT--PENALTIES--VENUE.--

A. Organized retail theft consists of:

(1) committing an underlying offense in order
to obtain retail property from a retail establishment with the
intent to transfer the retail property to another; or

(2) causing illegally obtained retail property
to be placed in the control of another.

B. Whoever commits organized retail theft when the
market value of the retail property illegally obtained over a
ninety-day period is two hundred fifty dollars (\$250) or less
is guilty of a petty misdemeanor.

.186020.2

1 C. Whoever commits organized retail theft when the
2 market value of the retail property illegally obtained over a
3 ninety-day period is more than two hundred fifty dollars (\$250)
4 but not more than five hundred dollars (\$500) is guilty of a
5 misdemeanor.

6 D. Whoever commits organized retail theft when the
7 market value of the retail property illegally obtained over a
8 ninety-day period is more than five hundred dollars (\$500) but
9 not more than two thousand five hundred dollars (\$2,500) is
10 guilty of a fourth degree felony.

11 E. Whoever commits organized retail theft when the
12 market value of the retail property illegally obtained over a
13 ninety-day period is more than two thousand five hundred
14 dollars (\$2,500) but not more than twenty thousand dollars
15 (\$20,000) is guilty of a third degree felony.

16 F. Whoever commits organized retail theft when the
17 market value of the retail property illegally obtained over a
18 ninety-day period is more than twenty thousand dollars
19 (\$20,000) is guilty of a second degree felony.

20 G. An offense under this section may be prosecuted
21 in any county in which an underlying offense could have been
22 prosecuted.

23 H. Prosecution pursuant to this section shall not
24 prevent prosecution pursuant to any other provision of law when
25 the conduct also constitutes a violation of that other

.186020.2

1 provision.

2 I. As used in this section:

3 (1) "market value" means the price at which
 4 property would ordinarily be bought or sold at the time an
 5 alleged crime occurred;

6 (2) "retail establishment" means a business
 7 that offers retail property for sale to the public;

8 (3) "retail property" means an article, a
 9 product, a commodity, an item or a component intended to be
 10 sold by a retail establishment; and

11 (4) "underlying offense" means:

12 (a) larceny, as provided in Section
 13 30-16-1 NMSA 1978;

14 (b) burglary, as provided in Subsection
 15 B of Section 30-16-3 NMSA 1978;

16 (c) fraud, as provided in Section
 17 30-16-6 NMSA 1978;

18 (d) embezzlement, as provided in Section
 19 30-16-8 NMSA 1978;

20 (e) forgery, as provided in Section
 21 30-16-10 NMSA 1978;

22 (f) shoplifting, as provided in Section
 23 30-16-20 NMSA 1978; or

24 (g) credit card offenses, as provided in
 25 Sections 30-16-25 through 30-16-33 NMSA 1978.

.186020.2

underscored material = new
 [bracketed material] = delete

