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SENATE BILL 40

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

INTRODUCED BY

Phil A. Griego

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 processed through the  
16 department of finance and administration maintain the  
17 confidentiality of the reward recipients. The board may  
18 establish a separate bank account in a federally insured  
19 financial institution and may deposit money into the account to  
20 pay rewards and other expenses pursuant to the Livestock Crime  
21 Stoppers Act. Money in the account shall be disbursed as  
22 directed by the director in accordance with financial control  
23 mechanisms established by the board and the department of  
24 finance and administration. The account shall be subject to  
25 the board's annual audit."

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1           SECTION 4. A new section of The Livestock Code is enacted  
2 to read:

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

4           A. Evidence or records of a communication between a  
5 person submitting a report to the program and the person  
6 accepting the report on behalf of the program are not  
7 admissible in a court or an administrative proceeding nor are  
8 they subject to inspection as a public record, except as  
9 provided in Subsection B of this section.

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

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

16                 (2) a person in civil court who has been  
17 exonerated of a criminal charge that was filed as a result of a  
18 report to the program, and denial of access to a record or  
19 report would leave the person without the ability to offer  
20 prima facie proof that a legal injury was suffered through the  
21 wrongful acts of another.

22          C. Upon motion made pursuant to Subsection B of  
23 this section, a court may subpoena a record or report but shall  
24 conduct an in camera inspection of the materials produced to  
25 determine whether there is evidence as alleged to warrant

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1 disclosure pursuant to Subsection B of this section. If the  
2 court finds such evidence, the court shall determine how much  
3 of the evidence to disclose and whether the identity of the  
4 person who submitted the report to the program must be  
5 disclosed.

6 D. The court shall protect the identity of a person  
7 who submits a report to the program as it would protect the  
8 identity of a confidential police informer."

9 SECTION 5. A new section of The Livestock Code is enacted  
10 to read:

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

12 A. It is unlawful for any member, officer or  
13 employee of the board or the department of finance and  
14 administration or any member, officer or employee of a  
15 contractor to reveal to a person other than the proper law  
16 enforcement agencies:

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

19 (2) the contents of records and reports that  
20 are confidential.

21 B. Confidentiality does not apply to amounts of  
22 reward payments that are made under the livestock crime  
23 stoppers program; provided, however, that the identities of  
24 reward recipients shall not be disclosed.

25 C. A person who violates Subsection A of this

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1 section is guilty of a misdemeanor and shall be sentenced in  
2 accordance with the provisions of Section 31-19-1 NMSA 1978."

3 SECTION 6. A new section of The Livestock Code is enacted  
4 to read:

5 "[NEW MATERIAL] IMMUNITY FROM LIABILITY.--A person who in  
6 good faith communicates a report of livestock-related criminal  
7 activity to the program or who in good faith receives, forwards  
8 or acts upon such report is immune from civil liability for any  
9 act or omission resulting in the arrest, filing of criminal  
10 charges or trial of a person who is later exonerated or  
11 acquitted of a criminal charge."