

SENATE BILL 225

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

George K. Muñoz

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PENALTIES; INCREASING FINES FOR LITTERING;
INCREASING HOURS OF COMMUNITY SERVICE REQUIRED FOR COMMITTING
GRAFFITI; INCREASING THE PENALTY FOR THE IMPROPER USE OF A
TRAVEL LANE SJC→; ~~INCREASING AND PROVIDING PENALTIES FOR
VIOLATIONS OF THE RECYCLING AND ILLEGAL DUMPING ACT~~←SJC .

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

SECTION 1. Section 30-8-4 NMSA 1978 (being Laws 1963,

.229875.2AIC March 13, 2025 (11:42am)

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Chapter 303, Section 8-4, as amended) is amended to read:

"30-8-4. LITTERING.--

A. Littering consists of discarding refuse:

(1) on public property in any manner other than by placing the refuse in a receptacle provided for the purpose by the responsible governmental authorities or otherwise in accordance with lawful direction; or

(2) on private property not owned or lawfully occupied or controlled by the person, except with the consent of its owner, lessee or occupant.

B. Whoever commits littering is guilty of a petty misdemeanor and, notwithstanding the provisions of Section 31-19-1 NMSA 1978, shall be punished by a fine of [~~fifty dollars (\$50.00)~~] two hundred fifty dollars (\$250). The use of uniform traffic citations is authorized for the enforcement of this section. The court may to the extent permitted by law, as a condition to suspension of any other penalty provided by law, require a person who commits littering to pick up and remove from any public place or any private property, with prior permission of the legal owner, any litter deposited thereon."

SECTION 2. Section 30-15-1.1 NMSA 1978 (being Laws 1990, Chapter 36, Section 1, as amended) is amended to read:

"30-15-1.1. UNAUTHORIZED GRAFFITI ON PERSONAL OR REAL PROPERTY.--

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A. Graffiti consists of intentionally and maliciously defacing any real or personal property of another with graffiti or other inscribed material inscribed with ink, paint, spray paint, crayon, charcoal or the use of any object without ~~[the]~~ consent or reasonable ~~[ground]~~ grounds to believe ~~[there is consent of]~~ the owner of the property has given consent.

B. Whoever commits graffiti to real or personal property when the damage to the property is one thousand dollars (\$1,000) or less is guilty of a petty misdemeanor and shall be required to perform a mandatory one hundred fifty hours of community service within a continuous six-month period immediately following ~~[his]~~ conviction and shall be required to make restitution to the property owner for the cost of damages and restoration.

C. Whoever commits graffiti to real or personal property when the damage to the property is greater than one thousand dollars (\$1,000) is guilty of a fourth degree felony and shall be required to perform a mandatory ~~[one hundred sixty]~~ two hundred hours of community service within a continuous eight-month period immediately following ~~[his]~~ conviction and shall be required to provide restitution to the property owner for the cost of damages and restoration as a condition of probation or following any term of incarceration as a condition of parole.

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D. When a single occurrence of graffiti is committed by more than one individual, the court may apportion the amount of restitution owed by each offender in accordance with each offender's degree of culpability."

SECTION 3. Section 66-8-116 NMSA 1978 (being Laws 1978, Chapter 35, Section 524, as amended) is amended to read:

"66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
DEFINITION--SCHEDULE OF ASSESSMENTS.--

A. As used in the Motor Vehicle Code and the Boat Act, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D through F of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Vehicles subject to		
registration	66-3-1	\$ 50.00
Improper display of		
registration plate	66-3-18	25.00
Failure to notify of		
change of name or address	66-3-23	25.00
Lost or damaged registration,		
plate or title	66-3-24	25.00
Horseless carriage		

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registration	66-3-27	25.00
Transfer of registration		
and title	66-3-103	25.00
Expiration of dealer		
plates	66-3-403	25.00
Special registration		
plates	66-3-409, 66-3-412.1, 66-3-413, 66-3-415, 66-3-417, 66-3-419, 66-3-421, 66-3-422, 66-3-424.4, 66-3-424.5, 66-3-424.7, 66-3-424.9, 66-3-424.13, 66-3-424.16 and 66-3-424.28	75.00
Bicycle laws	66-3-701	
	through	
	66-3-707	50.00
No license display	66-5-16	25.00
Failure to change		
address or name on		
license	66-5-22	25.00
Permitting unauthorized		
minor to drive	66-5-40	50.00
Permitting unauthorized		
person to drive	66-5-41	25.00

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Failure to obey sign	66-7-104	25.00
Failure to obey signal	66-7-105	25.00
Pedestrian signs and signals	66-7-106 through 66-7-108	25.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		25.00
(2) from eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the		

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speed limit		125.00
(6) from thirty-one up to		
and including thirty-five		
miles an hour over the		
speed limit		150.00
(7) more than thirty-five		
miles an hour over the		
speed limit		200.00
Unfastened safety belt	66-7-372	25.00
Child not in restraint device		
or seat belt	66-7-369	25.00
Minimum speed	66-7-305	25.00
Speeding	66-7-306	25.00
Improper starting	66-7-324	25.00
Improper backing	66-7-354	25.00
Improper lane	66-7-308	25.00
Improper lane	66-7-313	25.00
Improper lane	66-7-316	25.00
Improper lane	66-7-317	25.00
Improper lane	66-7-319	25.00
Improper passing	66-7-309	
through		
	66-7-312	25.00
Improper passing	66-7-315	25.00
Controlled access		

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violation	66-7-320	25.00
Controlled access		
violation	66-7-321	25.00
Improper turning	66-7-322	25.00
Improper turning	66-7-323	25.00
Improper turning	66-7-325	25.00
Following too closely	66-7-318	25.00
Failure to yield	66-7-328	
	through	
	66-7-331	25.00
Failure to yield	66-7-332	50.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333	
	through	
	66-7-340	25.00
Failure to stop	66-7-342	
	and 66-7-344	
	through	
	66-7-346	25.00
Railroad-highway grade		
crossing violation	66-7-341	
	and 66-7-343	150.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325	
	through	

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	66-7-327	25.00
Riding on motorcycles	66-7-355	100.00
Video screens in automobiles	66-7-358	25.00
Driving on mountain highways	66-7-359	25.00
Coasting prohibited	66-7-360	25.00
Animals on highway at night	66-7-363	50.00
Failure to secure load	66-7-407	100.00
Operation without oversize- overweight permit	66-7-413	50.00
Transport of reducible load with special permit more than six miles from a border crossing	66-7-413	100.00
Driving while license administratively suspended	66-5-39.2	25.00
Improper equipment	66-3-801 through 66-3-840 and 66-3-842 through 66-3-851	50.00

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Improper equipment	66-3-901	50.00
Improper emergency signal	66-3-853 through 66-3-857	25.00
Minor on motorcycle without helmet	66-7-356	300.00
Operation interference	66-7-357	50.00
Littering	66-7-364	300.00
Improper parking through 66-7-352 and 66-7-353		25.00
Improper parking	66-3-852	25.00
Riding in or towing occupied house trailer	66-7-366	25.00
Improper opening of doors	66-7-367	25.00
No slow-moving vehicle emblem or flashing amber light	66-3-887	25.00
Open container-first violation	66-8-138	25.00
Texting while driving- (1) first violation (2) second and subsequent	66-7-374	25.00

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violation 50.00

Using a handheld mobile

communication device

while driving a

commercial motor vehicle 66-7-375

(1) first violation 25.00

(2) second and subsequent

violation 50.00

Improper use of travel lane 66-7-376 [250.00] 500.00.

B. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

D. The penalty assessment for speeding in violation of Paragraph (5) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit.

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E. Upon a second conviction for operation without a permit for excessive size or weight pursuant to Section 66-7-413 NMSA 1978, the penalty assessment shall be two hundred fifty dollars (\$250). Upon a third or subsequent conviction, the penalty assessment shall be five hundred dollars (\$500).

F. Upon a second conviction for transport of a reducible load with a permit for excessive size or weight pursuant to Subsection N of Section 66-7-413 NMSA 1978 more than six miles from a port-of-entry facility on the border with Mexico, the penalty assessment shall be five hundred dollars (\$500). Upon a third or subsequent conviction, the penalty assessment shall be one thousand dollars (\$1,000)."

SJC→~~SECTION 4. Section 74-13-16 NMSA 1978 (being Laws 2005, Chapter 171, Section 16) is amended to read:~~

~~"74-13-16. PENALTY--CRIMINAL.--~~

~~A. A person who knowingly violates Section [4 of the Recycling and Illegal Dumping Act] 74-13-4 NMSA 1978:~~

~~(1) is guilty of a misdemeanor if the violation involves a quantity of scrap tires or tire-derived products that is less than five thousand pounds and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978; [or]~~

~~(2) is guilty of a fourth degree felony if the violation involves a quantity of scrap tires or~~

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~~tire-derived products that is five thousand pounds or greater
and shall be sentenced pursuant to the provisions of Section
31-18-15 NMSA 1978; or~~

~~(3) is guilty of a fourth degree felony if
the violation involves illegal dumping prohibited by
Subsection J of Section 74-13-4 NMSA 1978 and shall be
punished by a fine not to exceed ten thousand dollars
(\$10,000).~~

~~B. A person who knowingly omits any substantive
information or knowingly makes a false substantive statement
or representation required pursuant to the Recycling and
Illegal Dumping Act or rule adopted pursuant to the
provisions of that act is guilty of a fourth degree felony
and shall be sentenced in accordance with the provisions of
Section 31-18-15 NMSA 1978."~~←SJC

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