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SENATE BILL 596

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

CISCO MCSORLEY

AN ACT

RELATING TO CRIME; ESTABLISHING PENALTIES RELATED TO THE VALUE OF A MOTOR VEHICLE IN CERTAIN CIRCUMSTANCES.

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

Section 1. Section 30-16-40 NMSA 1978 (being Laws 1973, Chapter 154, Section 1, as amended) is amended to read:

"30-16-40. FRAUDULENT REFUSAL TO RETURN A LEASED VEHICLE OR OTHER PERSONAL PROPERTY--PENALTY--PRESUMPTION.--

A. Any person who, after leasing a vehicle or other personal property under a written agreement ~~which~~ that provides for the return of the vehicle or personal property to a particular place at a particular time and who, with intent to defraud the lessor of the vehicle or personal property, fails to return the vehicle or personal property to the place within the time specified, is guilty:

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1 (1) of a fourth degree felony if the property
2 [~~is a vehicle or has a value in excess of one hundred dollars~~
3 ~~(\$100)] or vehicle has a value of less than two thousand five
4 hundred dollars (\$2,500);~~

5 (2) of a third degree felony if the property or
6 vehicle has a value of two thousand five hundred dollars
7 (\$2,500) or more but less than twenty thousand dollars
8 (\$20,000);

9 (3) of a second degree felony if the vehicle
10 has a value of twenty thousand dollars (\$20,000) or more; and

11 [~~(2)~~] (4) of a petty misdemeanor if the property
12 is not a vehicle and has a value of one hundred dollars (\$100)
13 or less.

14 B. Failure of the lessee to return the vehicle or
15 personal property to the place specified within seventy-two
16 hours after the mailing to him by certified mail at his address
17 shown on the leasing agreement of a written demand to return the
18 vehicle or personal property shall raise a rebuttable
19 presumption that the failure to return the vehicle or personal
20 property was with intent to defraud. "

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

3
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6 February 13, 1997

7
8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

12
13 SENATE BILL 596

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

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20 Respectfully submitted,

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25 Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Fidel, Kidd, McKibben, Robinson

Absent: None

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FORTY-THIRD LEGISLATURE SB 596/a
FIRST SESSION, 1997

February 26, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 596

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, after line 25 insert the following new paragraph to read:
"(1) of a misdemeanor if the property or vehicle was a value in excess of \$100 but less than \$250;".
2. Renumber succeeding paragraphs accordingly.
3. On page 2, line 3, after "value of" insert "over \$250 but"

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Fernando R. Maci as, Chair man

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Payne, Sanchez, Vernon

Absent: None

S0596JU1

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[bracketed material] = delete

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 596, as amended

**has had it under consideration and reports same WITHOUT
RECOMMENDATION, and thence referred to
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 3 Against

Yes: 6

No: M P. Garcia, King, Pederson

Excused: Alwin, Luna, Rios, Sanchez

Absent: None

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Underscored material = new
[bracketed material] = delete