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SENATE BILL 1120

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

INTRODUCED BY

FERNANDO R. MACIAS

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL LAW; AMENDING PENALTY PROVISIONS FOR THE
OFFENSE OF FORGERY AND VIOLATIONS OF THE WORTHLESS CHECK ACT.

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

Section 1. Section 30-16-10 NMSA 1978 (being Laws 1963,
Chapter 303, Section 16-9) is amended to read:

"30-16-10. FORGERY. --

A. Forgery consists of:

~~[A.]~~ (1) falsely making or altering any
signature to, or any part of, any writing purporting to have any
legal efficacy with intent to injure or defraud; or

~~[B.]~~ (2) knowingly issuing or transferring a
forged writing with intent to injure or defraud.

~~[Whoever commits forgery is guilty of a third degree
felony.]~~

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[bracketed material] = delete

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1 B. Whoever commits forgery that causes or is
2 intended to cause damage of one hundred dollars (\$100) or less
3 is guilty of a petty misdemeanor.

4 C. Whoever commits forgery that causes or is
5 intended to cause damage greater than one hundred dollars (\$100)
6 but not more than two hundred fifty dollars (\$250) is guilty of
7 a misdemeanor.

8 D. Whoever commits forgery that causes or is
9 intended to cause damage greater than two hundred fifty dollars
10 (\$250) but not more than two thousand five hundred dollars
11 (\$2,500) is guilty of a fourth degree felony.

12 E. Whoever commits forgery that causes or is
13 intended to cause damage greater 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 forgery that causes or is
17 intended to cause damage greater than twenty thousand dollars
18 (\$20,000) is guilty of a second degree felony. "

19 Section 2. Section 30-36-5 NMSA 1978 (being Laws 1965,
20 Chapter 114, Section 1) is amended to read:

21 "30-36-5. PENALTY. -- Any person violating Section [~~40-49-4~~
22 ~~New Mexico Statutes Annotated, 1953 Compilation]~~ 30-36-4 NMSA
23 1978 shall be punished as follows:

24 A. when the amount of the check, draft or order or
25 the total amount of the checks, drafts or orders [~~are for more~~

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1 ~~than one dollar (\$1.00) but less than twenty-five dollars~~
2 ~~(\$25.00), imprisonment in the county jail for a term of not more~~
3 ~~than thirty days or a fine of not more than one hundred dollars~~
4 ~~(\$100), or both such imprisonment and fine] is one hundred~~
5 ~~dollars (\$100) or less, the person is guilty of a petty~~
6 ~~misdeemeanor;~~

7 B. ~~when the amount of the check, draft or order or~~
8 ~~the total amount of the checks, drafts or orders [are for~~
9 ~~twenty-five dollars (\$25.00) or more, imprisonment in the~~
10 ~~penitentiary for a term of not less than one year nor more than~~
11 ~~three years or the payment of a fine of not more than one~~
12 ~~thousand dollars (\$1,000) or both such imprisonment and fine.]~~
13 ~~is more than one hundred dollars (\$100) but not more than two~~
14 ~~hundred fifty dollars (\$250), the person is guilty of a~~
15 ~~misdeemeanor;~~

16 C. ~~when the amount of the check, draft or order or~~
17 ~~the total amount of the checks, drafts or orders is more than~~
18 ~~two hundred fifty dollars (\$250) but no more than two thousand~~
19 ~~five hundred dollars (\$2,500), the person is guilty of a fourth~~
20 ~~degree felony;~~

21 D. ~~when the amount of the check, draft or order or~~
22 ~~the total amount of the checks, drafts or orders is more than~~
23 ~~two thousand five hundred dollars (\$2,500) but not more than~~
24 ~~twenty thousand dollars (\$20,000), the person is guilty of a~~
25 ~~third degree felony; and~~

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E. when the amount of the check, draft or order or
the total amount of the checks, drafts or orders is more than
twenty thousand dollars (\$20,000), the person is guilty of a
second degree felony. "

Section 3. EFFECTIVE DATE. -- The effective date of the
provisions of this act is July 1, 1997.

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

HOUSE BILL 1120

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

Respectfully submitted,

Fred Luna, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBIC/HB 1120

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Gubbels, Hobbs, Rodella

Absent: Getty

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