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HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR THE ALTERATION OF A
BASIC SENTENCE WHEN A CRIME IS MOTIVATED BY HATE AGAINST A LAW
ENFORCEMENT OFFICER; AMENDING THE HATE CRIMES ACT.

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

SECTION 1. Section 31-18B-1 NMSA 1978 (being Laws 2003,
Chapter 384, Section 1) is amended to read:

"31-18B-1. SHORT TITLE.--~~[This act]~~ Chapter 31, Article
18B NMSA 1978 may be cited as the "Hate Crimes Act"."

SECTION 2. Section 31-18B-2 NMSA 1978 (being Laws 2003,
Chapter 384, Section 2, as amended) is amended to read:

"31-18B-2. DEFINITIONS.--As used in the Hate Crimes Act:

A. "age" means sixty years of age or older;

B. "gender identity" means a person's self-
perception, or perception of that person by another, of the

underscoring material = new
[bracketed material] = delete

1 person's identity as a male or female based upon the person's
2 appearance, behavior or physical characteristics that are in
3 accord or opposed to the person's physical anatomy, chromosomal
4 sex or sex at birth;

5 C. "disability" means that the person has a
6 physical or mental disability that substantially limits one or
7 more of that person's functions, such as caring for oneself,
8 performing manual tasks, walking, seeing, hearing, speaking,
9 breathing, learning and working;

10 D. "motivated by hate" means the commission of a
11 crime with the intent to commit the crime because of the actual
12 or perceived race, religion, color, national origin, ancestry,
13 age, [~~handicapped status~~] disability, status as a law
14 enforcement officer, gender, sexual orientation or gender
15 identity of the victim, whether or not the offender's belief or
16 perception was correct; and

17 E. "sexual orientation" means heterosexuality,
18 homosexuality or bisexuality, whether actual or perceived."

19 SECTION 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2016.