

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 353

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Kelly K. Fajardo

AN ACT

RELATING TO CHILDREN IN GANGS; CREATING THE CRIME OF SOLICITATION OR RECRUITMENT OF A CHILD INTO A CRIMINAL STREET GANG; PROVIDING PENALTIES.

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

SECTION 1. A new section of Chapter 30, Article 6 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CRIMINAL STREET GANG--SOLICITATION OR RECRUITMENT OF A CHILD.--

A. Solicitation or recruitment of a child into a criminal street gang consists of any person who:

(1) solicits or recruits a child to actively participate in a criminal street gang with the intent that the child who was solicited or recruited promote, further, assist or participate in the commission of one or more of the criminal

underscored material = new
~~[bracketed material] = delete~~

1 offenses described in the Criminal Code; or

2 (2) threatens any person with physical
3 violence with the intent to coerce or induce a child to
4 actively participate in a criminal street gang.

5 B. Any person who solicits or recruits a child into
6 a criminal street gang:

7 (1) if the child is from thirteen to eighteen
8 years of age, is guilty of a fourth degree felony; and

9 (2) if the child is under thirteen years of
10 age, is guilty of a third degree felony.

11 C. As used in this section:

12 (1) "child" means a person who is under
13 eighteen years of age; and

14 (2) "criminal street gang" means an ongoing
15 group, club, organization or association of three or more
16 persons that has as one of its primary purposes the commission
17 of one or more of the criminal offenses described in the
18 Criminal Code."