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HOUSE BILL 416

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Al Park

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE OF
OBSTRUCTION OF A STATE AUDIT; PRESCRIBING PENALTIES.

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

SECTION 1. Section 12-6-1 NMSA 1978 (being Laws 1969,
Chapter 68, Section 1) is amended to read:

"12-6-1. SHORT TITLE.--~~[Sections 4-31-1 through 4-31-17
NMSA 1953]~~ Chapter 12, Article 6 NMSA 1978 may be cited as the
"Audit Act"."

SECTION 2. A new section of the Audit Act is enacted to
read:

"[NEW MATERIAL] OBSTRUCTION OF A STATE AUDIT.--

A. Obstruction of a state audit consists of a
person:

- (1) making or causing to be made to the state

underscored material = new
[bracketed material] = delete

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

1 auditor or the state auditor's designated agent a false or
2 misleading report with the intent of deceiving or misleading
3 the state auditor or the state auditor's designated agent in
4 the performance of an audit, special audit, examination or
5 investigation being conducted pursuant to the Audit Act; or

6 (2) intentionally obstructing the state
7 auditor or the state auditor's designated agent in the
8 performance of an audit, special audit, examination or
9 investigation being conducted pursuant to the Audit Act.

10 B. Whoever commits obstruction of a state audit is
11 guilty of a misdemeanor and upon conviction shall be sentenced
12 pursuant to the provisions of Section 31-19-1 NMSA 1978.

13 C. If the state auditor reasonably believes that a
14 person committed, or is about to commit, obstruction of a state
15 audit, the state auditor shall refer the matter to the attorney
16 general or a district attorney for enforcement.

17 D. The attorney general or a district attorney may
18 institute a civil action in district court if obstruction of a
19 state audit has occurred or to prevent obstruction of a state
20 audit. Relief may include a permanent or temporary injunction,
21 a restraining order or any other appropriate order, including
22 an order for a civil penalty of two hundred fifty dollars
23 (\$250) for each violation not to exceed five thousand dollars
24 (\$5,000)."

25 SECTION 3. EFFECTIVE DATE.--The effective date of the

.182498.2SA

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

1 provisions of this act is July 1, 2011.

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