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SENATE BILL 207

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

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO CRIMINAL LAW; ALLOWING A SIX-MONTH AGGREGATION OF
THE CRIMES OF RECEIVING STOLEN PROPERTY AND SHOPLIFTING IN
DETERMINING THE PENALTY FOR THOSE CRIMES.

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

SECTION 1. Section 30-16-11 NMSA 1978 (being Laws 1963,
Chapter 303, Section 16-11, as amended) is amended to read:

"30-16-11. RECEIVING STOLEN PROPERTY--PENALTIES.--

A. Receiving stolen property means intentionally to
receive, retain or dispose of stolen property knowing that it
has been stolen or believing it has been stolen, unless the
property is received, retained or disposed of with intent to
restore it to the owner.

B. The requisite knowledge or belief that property
has been stolen is presumed in the case of a dealer who:

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1 (1) is found in possession or control of
2 property stolen from two or more persons on separate occasions;

3 (2) acquires stolen property for a
4 consideration that the dealer knows is far below the property's
5 reasonable value. A dealer shall be presumed to know the fair
6 market value of the property in which the dealer deals; or

7 (3) is found in possession or control of five
8 or more items of property stolen within one year prior to the
9 time of the incident charged pursuant to this section.

10 C. For the purposes of this section:

11 (1) "dealer" means a person in the business of
12 buying or selling goods or commercial merchandise; and

13 (2) "stolen property" means any property
14 acquired by theft, larceny, fraud, embezzlement, robbery or
15 armed robbery.

16 D. Whoever commits receiving stolen property when
17 the value of the property is two hundred fifty dollars (\$250)
18 or less in any consecutive six-month period is guilty of a
19 petty misdemeanor.

20 E. Whoever commits receiving stolen property when
21 the value of the property is over two hundred fifty dollars
22 (\$250) but not more than five hundred dollars (\$500) in any
23 consecutive six-month period is guilty of a misdemeanor.

24 F. Whoever commits receiving stolen property when
25 the value of the property is over five hundred dollars (\$500)

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1 but not more than two thousand five hundred dollars (\$2,500) in
2 any consecutive six-month period is guilty of a fourth degree
3 felony.

4 G. Whoever commits receiving stolen property when
5 the value of the property is over two thousand five hundred
6 dollars (\$2,500) but not more than twenty thousand dollars
7 (\$20,000) in any consecutive six-month period is guilty of a
8 third degree felony.

9 H. Whoever commits receiving stolen property when
10 the value of the property exceeds twenty thousand dollars
11 (\$20,000) in any consecutive six-month period is guilty of a
12 second degree felony.

13 I. Whoever commits receiving stolen property when
14 the property is a firearm is guilty of a fourth degree felony
15 when its value is less than two thousand five hundred dollars
16 (\$2,500)."

17 SECTION 2. Section 30-16-20 NMSA 1978 (being Laws 1965,
18 Chapter 5, Section 2, as amended) is amended to read:

19 "30-16-20. SHOPLIFTING.--

20 A. Shoplifting consists of one or more of the
21 following acts:

22 (1) willfully taking possession of merchandise
23 with the intention of converting it without paying for it;

24 (2) willfully concealing merchandise with the
25 intention of converting it without paying for it;

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1 (3) willfully altering a label, price tag or
2 marking upon merchandise with the intention of depriving the
3 merchant of all or some part of the value of it; or

4 (4) willfully transferring merchandise from
5 the container in or on which it is displayed to another
6 container with the intention of depriving the merchant of all
7 or some part of the value of it.

8 B. Whoever commits shoplifting when the value of
9 the merchandise shoplifted:

10 (1) is two hundred fifty dollars (\$250) or
11 less in any consecutive six-month period is guilty of a petty
12 misdemeanor;

13 (2) is more than two hundred fifty dollars
14 (\$250) but not more than five hundred dollars (\$500) in any
15 consecutive six-month period is guilty of a misdemeanor;

16 (3) is more than five hundred dollars (\$500)
17 but not more than two thousand five hundred dollars (\$2,500) in
18 any consecutive six-month period is guilty of a fourth degree
19 felony;

20 (4) is more than two thousand five hundred
21 dollars (\$2,500) but not more than twenty thousand dollars
22 (\$20,000) in any consecutive six-month period is guilty of a
23 third degree felony; or

24 (5) is more than twenty thousand dollars
25 (\$20,000) in any consecutive six-month period is guilty of a

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1 second degree felony.

2 C. Except for the six-month aggregation provided in
3 this section, an individual charged with a violation of this
4 section shall not be charged with a separate or additional
5 offense arising out of the same transaction."

6 SECTION 3. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2011.

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