

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 223

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

AN ACT

RELATING TO CRIMINAL LAW; PROHIBITING ORGANIZED RETAIL CRIME;  
PROVIDING PENALTIES.

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

SECTION 1. A new section of the Criminal Code is enacted  
to read:

"[NEW MATERIAL] ORGANIZED RETAIL CRIME--PENALTIES--  
VENUE.--

A. Organized retail crime consists of a retail  
property fence receiving retail property illegally obtained  
from a retail establishment with the intent to transfer the  
retail property to another.

B. Whoever commits organized retail crime when the  
market value of the retail property illegally obtained over a  
sixty-day period is two hundred fifty dollars (\$250) or less is

1 guilty of a petty misdemeanor.

2 C. Whoever commits organized retail crime when the  
3 market value of the retail property illegally obtained over a  
4 sixty-day period is more than two hundred fifty dollars (\$250)  
5 but not more than five hundred dollars (\$500) is guilty of a  
6 misdemeanor.

7 D. Whoever commits organized retail crime when the  
8 market value of the retail property illegally obtained over a  
9 sixty-day period is more than five hundred dollars (\$500) but  
10 not more than two thousand five hundred dollars (\$2,500) is  
11 guilty of a fourth degree felony.

12 E. Whoever commits organized retail crime when the  
13 market value of the retail property illegally obtained over a  
14 sixty-day period is more than two thousand five hundred dollars  
15 (\$2,500) but not more than twenty thousand dollars (\$20,000) is  
16 guilty of a third degree felony.

17 F. Whoever commits organized retail crime when the  
18 market value of the retail property illegally obtained over a  
19 sixty-day period is more than twenty thousand dollars (\$20,000)  
20 is guilty of a second degree felony.

21 G. An offense under this section may be prosecuted  
22 in any county in which the retail property was illegally  
23 obtained or received.

24 H. As used in this section:

25 (1) "market value" means the price at which

1 property would ordinarily be bought or sold at the time an  
2 alleged crime occurred;

3 (2) "retail establishment" means a business  
4 that offers retail property for sale to the public;

5 (3) "retail property" means a new article,  
6 product, commodity, item or component intended to be sold by a  
7 retail establishment; and

8 (4) "retail property fence" means a person or  
9 business that buys retail property knowing or believing that  
10 retail property is stolen."

11 SECTION 2. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2011.

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