HOUSE BILL 353

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Meredith Dixon

AN ACT

RELATING TO STOLEN PROPERTY; PROVIDING THAT THE FAILURE TO
VERIFY THAT A FIREARM WAS NOT STOLEN IS PRESUMED TO BE
KNOWLEDGE BY THE RECIPIENT OF THE FIREARM THAT THE FIREARM WAS
STOLEN.

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:

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

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

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

C. For the purposes of this section:

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

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

D. Whoever commits receiving stolen property when the value of the property is two hundred fifty dollars ($250) or less is guilty of a petty misdemeanor.

E. Whoever commits receiving stolen property when the value of the property is over two hundred fifty dollars ($250) but not more than five hundred dollars ($500) is guilty of a misdemeanor.

F. Whoever commits receiving stolen property when the value of the property is over five hundred dollars ($500)
but not more than two thousand five hundred dollars ($2,500) is guilty of a fourth degree felony.

G. Whoever commits receiving stolen property when the value of the property is over two thousand five hundred dollars ($2,500) but not more than twenty thousand dollars ($20,000) is guilty of a third degree felony.

H. Whoever commits receiving stolen property when the value of the property exceeds twenty thousand dollars ($20,000) is guilty of a second degree felony.

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

J. A person who receives a firearm without first ensuring that the firearm was not stolen by verifying that fact with the federal bureau of alcohol, tobacco, firearms and explosives national tracing center is presumed to know that the firearm was stolen."