SENATE BILL 182

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

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF THREATENING A PUBLIC OFFICIAL.

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

SECTION 1. Section 30-20-13 NMSA 1978 (being Laws 1970, Chapter 86, Section 2, as amended) is amended to read:

"30-20-13. THREATENING A PUBLIC OFFICIAL--INTERFERENCE WITH MEMBERS OF STAFF, PUBLIC OFFICIALS OR THE GENERAL PUBLIC--TRESPASS--DAMAGE TO PROPERTY--MISDEMEANORS--PENALTIES. --

A. No person shall threaten a public official with the intent to:

(1) cause actual harm to the public official;

(2) place the public official in fear of great bodily harm; or

(3) prevent or interrupt the ability to carry
out the public official's job duties.

[A–] B. No person shall, at or in any building or other facility or property owned, operated or controlled by the state or any of its political subdivisions, willfully deny to staff, public officials or the general public:

(1) lawful freedom of movement within the building or facility or the land on which it is situated;

(2) lawful use of the building or facility or the land on which it is situated; or

(3) the right of lawful ingress and egress to the building or facility or the land on which it is situated.

[B–] C. No person shall, at or in any building or other facility or property owned, operated or controlled by the state or any of its political subdivisions, willfully impede the staff or a public official or a member of the general public through the use of restraint, abduction, coercion or intimidation or when force and violence are present or threatened.

[C–] D. No person shall willfully refuse or fail to leave the property of or any building or other facility owned, operated or controlled by the state or any of its political subdivisions when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act [which] that would disrupt, impair, interfere with or obstruct the
lawful mission, processes, procedures or functions of the
property, building or facility.

[D-r] E. No person shall willfully interfere with
the educational process of any public or private school by
committing, threatening to commit or inciting others to commit
any act [which] that would disrupt, impair, interfere with or
obstruct the lawful mission, processes, procedures or functions
of a public or private school.

[E-r] F. Nothing in this section shall be construed
to prevent lawful assembly and peaceful and orderly petition
for the redress of grievances, including any labor dispute.

[F-r] G. Any person who violates any of the
provisions of this section shall be deemed guilty of a petty
misdemeanor.

H. As used in this section, "public official" means
a person elected to an office of the executive or legislative
branch of the state, a person elected or appointed to an office
in a political subdivision of the state, a person appointed to
a public agency, a judge or a supreme court justice."