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HOUSE BILL 313

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Al Park

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW OFFENSE KNOWN AS
UNLAWFUL POSSESSION OF A BIOLOGICAL OR CHEMICAL WEAPON;
ENACTING A NEW SECTION OF THE CRIMINAL CODE.

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] UNLAWFUL POSSESSION OF A BIOLOGICAL OR
CHEMICAL WEAPON. --

A. Unlawful possession of a biological or chemical
weapon consists of a person knowingly possessing a biological
or chemical weapon for a non-peaceful purpose in order to
cause death or harm to a human, animal or plant.

B. Whoever commits unlawful possession of a
biological or a chemical weapon is guilty of a fourth degree

underscored material = new
[bracketed material] = delete

1 felony.

2 C. As used in this section:

3 (1) "biological weapon" means a weapon that:

4 (a) uses a microorganism to cause
5 disease, incapacitation or death in a human, animal or plant;
6 or

7 (b) uses a toxin produced by a living
8 organism to cause disease, incapacitation or death in a human,
9 animal or plant; and

10 (2) "chemical weapon" means a weapon that
11 uses the toxic properties of a chemical to produce disease,
12 incapacitation or death in a human, animal or plant.

13 "Chemical weapon" does not include:

14 (a) riot-control agents when used by
15 law enforcement personnel;

16 (b) chemical herbicides;

17 (c) smoke and flame materials; or

18 (d) mace, pepper spray or any other
19 analogous commercially produced personal defense device.

20 D. The provisions of this section do not apply to
21 individuals or institutions authorized by the state or federal
22 government to possess biological or chemical weapons. "

23 Section 2. EFFECTIVE DATE. -- The effective date of the
24 provisions of this act is July 1, 2002.