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SENATE BILL 255

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY
Joseph Cervantes

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE OF
OBSTRUCTION OF A STATE AUDIT; PRESCRIBING PENALTIES.

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

SECTION 1. Section 12-6-1 NMSA 1978 (being Laws 1969,
Chapter 68, Section 1) is amended to read:

"12-6-1. SHORT TITLE.--~~[Sections 4-31-1 through 4-31-17
NMSA 1953]~~ Chapter 12, Article 6 NMSA 1978 may be cited as the
"Audit Act"."

SECTION 2. A new section of the Audit Act is enacted to
read:

"[NEW MATERIAL] OBSTRUCTION OF A STATE AUDIT.--

A. Obstruction of a state audit consists of a
person who, with the intent to deceive, mislead or interfere,
obstructs the performance of an audit, special audit,

underscoring material = new
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1 examination or investigation being conducted pursuant to the
2 Audit Act by:

3 (1) destroying, concealing or altering any
4 document or record;

5 (2) making or causing to be made a false or
6 misleading report; or

7 (3) impeding the state auditor, personnel of
8 the state auditor's office or independent auditors approved by
9 the state auditor.

10 B. Whoever commits obstruction of a state audit is
11 guilty of a fourth degree felony and shall be sentenced in
12 accordance with the provisions of Section 31-18-15 NMSA 1978."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2017.