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HOUSE BILL 69

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Meredith A. Dixon and Joy Garratt and William "Bill" R. Rehm
and Natalie Figueroa and Joshua Hernandez

AN ACT

RELATING TO PUBLIC SAFETY; CREATING THE CRIME OF OPERATING A
CHOP SHOP; CREATING THE CRIME OF CRIMINAL DAMAGE TO PROPERTY BY
THEFT OR ATTEMPTED THEFT OF REGULATED MATERIAL; PROHIBITING A
SECONDHAND METAL DEALER FROM PURCHASING OR RECEIVING REGULATED
MATERIAL NOT LAWFULLY POSSESSED; 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] OPERATING A CHOP SHOP--PENALTY.--

A. Operating a chop shop consists of a person
owning, operating, maintaining, controlling or conducting
operations in a chop shop, who knows or has reason to believe
that it is a chop shop.

B. Whoever commits operating a chop shop is guilty

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1 of a third degree felony.

2 C. As used in this section:

3 (1) "chop shop" means a premises where a
4 person possesses, receives, stores, disassembles or alters an
5 unlawfully obtained motor vehicle or vehicle or motor vehicle
6 engine or component as defined in the Motor Vehicle Code,
7 including the alteration or concealment of any identifying
8 feature or number, including the manufacturer's serial number,
9 engine number, decal or other distinguishing number or
10 identification mark or number placed under assignment of the
11 motor vehicle division of the taxation and revenue department;
12 and

13 (2) "unlawfully obtained" means obtained by
14 theft, fraud or deceit or obtained without the permission of
15 the owner.

16 D. Nothing in this section shall be construed to
17 preclude a claim made pursuant to any other section of law."

18 SECTION 2. A new section of the Criminal Code is enacted
19 to read:

20 "[NEW MATERIAL] CRIMINAL DAMAGE TO PROPERTY BY THEFT OR
21 ATTEMPTED THEFT OF REGULATED MATERIAL--PENALTY.--

22 A. Criminal damage to property by theft or
23 attempted theft of regulated material consists of the unlawful
24 taking or attempted taking of any regulated material from
25 another that results in any damage to real or personal

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1 property. Whoever commits criminal damage to property by theft
2 or attempted theft of regulated material resulting in property
3 damage or property loss, based on the fair market value of that
4 damage or loss, in an amount of:

5 (1) less than one thousand dollars (\$1,000) is
6 guilty of a petty misdemeanor;

7 (2) one thousand dollars (\$1,000) or more but
8 less than two thousand five hundred dollars (\$2,500) is guilty
9 of a misdemeanor; or

10 (3) two thousand five hundred dollars (\$2,500)
11 or more is guilty of a fourth degree felony.

12 B. For the purposes of this section:

13 (1) "aluminum material" means wire or coil
14 products made from aluminum, an aluminum alloy or an aluminum
15 byproduct;

16 (2) "copper or brass material" means:

17 (a) insulated or noninsulated copper
18 wire, hardware or cable of the type used by a public utility,
19 commercial mobile radio service carrier or common carrier that
20 consists of at least twenty-five percent copper; or

21 (b) a copper or brass item of a type
22 commonly used in construction or by a public utility,
23 commercial mobile radio service carrier or common carrier;

24 (3) "regulated material" means:

25 (a) aluminum material;

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- 1 (b) copper or brass material;
- 2 (c) steel material;
- 3 (d) a utility access cover;
- 4 (e) a water meter cover;
- 5 (f) a road or bridge guard rail;
- 6 (g) a highway or street sign;
- 7 (h) a traffic directional or control
- 8 sign or signal; or
- 9 (i) a catalytic converter that is not
- 10 part of an entire motor vehicle; and

11 (4) "steel material" means
12 infrastructure-grade or construction products made from an
13 alloy of iron, chromium, nickel or manganese.

14 C. Nothing in this section shall be construed to
15 preclude a claim made pursuant to any other section of law."

16 SECTION 3. Section 57-30-2.4 NMSA 1978 (being Laws 2012,
17 Chapter 29, Section 16 and Laws 2012, Chapter 33, Section 16)
18 is amended to read:

19 "57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL
20 DOCUMENTATION REQUIRED.--

21 A. A secondhand metal dealer shall not purchase any
22 of the following without written documentation indicating that
23 the seller is the rightful owner or has permission from the
24 rightful owner ~~[or]~~ and that the material was otherwise
25 lawfully obtained:

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1 (1) infrastructure grade regulated material
2 that has been burned to remove insulation, unless the seller
3 can produce written proof that the regulated material was
4 lawfully burned;

5 (2) regulated material where the
6 manufacturer's make, model, serial or personal identification
7 number or other identifying marks engraved or etched upon the
8 material have been conspicuously removed or altered;

9 (3) regulated material marked with the name,
10 initials or otherwise identified as the property of an
11 electrical company, a telephone company, a cable company, a
12 water company or other utility company, a railroad or a
13 governmental entity;

14 (4) a utility access cover;

15 (5) a water meter cover;

16 (6) a road or bridge guard rail;

17 (7) a highway or street sign;

18 (8) a traffic directional or control sign or
19 signal;

20 (9) a metal beer keg that is clearly marked as
21 being the property of the beer manufacturer; or

22 (10) a catalytic converter that is not part of
23 an entire motor vehicle.

24 B. The department shall promulgate rules that more
25 specifically describe the type of documentation required before

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1 a secondhand metal dealer may engage in a transaction described
2 in this section.

3 C. A secondhand metal dealer shall not purchase or
4 otherwise receive any regulated material that the secondhand
5 metal dealer knows is not lawfully possessed by the person
6 offering to sell or provide the regulated material."

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