

1 HOUSE BILL 397

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Mark Duncan and William "Bill" R. Rehm and Marian Matthews and  
5 Tanya Mirabal Moya and Harlan Vincent  
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10 AN ACT

11 RELATING TO CRIME; CREATING THE CRIME OF ORGANIZED RESIDENTIAL  
12 THEFT; IMPOSING PENALTIES.  
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of Chapter 30, Article 16 NMSA  
16 1978 is enacted to read:

17 "[NEW MATERIAL] ORGANIZED RESIDENTIAL THEFT--PENALTIES.--

18 A. Organized residential theft consists of a  
19 coordinated plan to deprive one or more recipients of  
20 merchandise on two or more occasions or deprive multiple  
21 recipients located in the state of merchandise distributed by  
22 mail or other method of delivery over the span of one year.

23 B. Whoever commits organized residential theft when  
24 the aggregate value of the merchandise taken is over five  
25 hundred dollars (\$500) but not more than two thousand five

.223956.5

underscored material = new  
[bracketed material] = delete

1 hundred dollars (\$2,500) is guilty of a fourth degree felony.

2 C. Whoever commits organized residential theft when  
3 the aggregate value of the merchandise taken is over two  
4 thousand five hundred dollars (\$2,500) but not more than twenty  
5 thousand dollars (\$20,000) is guilty of a third degree felony.

6 D. Whoever commits organized residential theft when  
7 the aggregate value of the merchandise taken is over twenty  
8 thousand dollars (\$20,000) is guilty of a second degree felony.

9 E. An individual charged with a violation of this  
10 section shall not be charged with a separate or additional  
11 offense arising out of the same transaction.

12 F. As used in this section:

13 (1) "aggregate value" means the total retail  
14 value of merchandise taken from any recipient over the span of  
15 one calendar year;

16 (2) "coordinated" means knowingly combining  
17 with another for the purpose of committing theft;

18 (3) "organized" means a coordinated plan to  
19 deprive one or more recipients of merchandise on two or more  
20 occasions or to deprive multiple recipients located in the  
21 state of merchandise; and

22 (4) "recipient" means a person or business  
23 that receives merchandise distributed by mail or other method  
24 of delivery to an address belonging to the person or business."