

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 513

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
INCREASING THE PENALTY OF MAKING A SHOOTING THREAT TO A FOURTH  
DEGREE FELONY; CREATING THE CRIME OF SWATTING; PROVIDING  
PENALTIES.

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

SECTION 1. Section 30-20-16 NMSA 1978 (being Laws 1975,  
Chapter 285, Section 1, as amended) is amended to read:

"30-20-16. BOMB SCARES AND SHOOTING THREATS UNLAWFUL--  
KNOWINGLY MAKING A FALSE REPORT WITH INTENT TO CAUSE IMMEDIATE  
EMERGENCY RESPONSE UNLAWFUL.--

A. Making a bomb scare consists of falsely and  
maliciously stating to another person that a bomb or other  
explosive has been placed in such a position that property or  
persons are likely to be injured or destroyed.

.225933.2

underscored material = new  
[bracketed material] = delete

1                   B. Making a shooting threat consists of  
2 intentionally communicating to another person an intent to  
3 bring a firearm to a property or use the firearm with the  
4 intent to:

5                   (1) place a person or group of persons in fear  
6 of great bodily harm;

7                   (2) prevent or interrupt the occupation or use  
8 of a public building; or

9                   (3) cause a response to the threat by a law  
10 enforcement official or volunteer agency organized to deal with  
11 emergencies.

12                   C. Swatting consists of knowingly making a false or  
13 misleading report of an ongoing emergency or threat of violence  
14 to a public safety agency or agency personnel or to a public  
15 safety answering point, with the intent to cause an immediate  
16 response from law enforcement and other first responders.

17                   ~~[G.]~~ D. Whoever commits making a bomb scare is  
18 guilty of a fourth degree felony.

19                   ~~[D.]~~ E. Whoever commits making a shooting threat is  
20 guilty of a ~~[misdemeanor]~~ fourth degree felony.

21                   F. Whoever commits swatting is guilty of a fourth  
22 degree felony.

23                   ~~[E.]~~ G. A court may order a person convicted for  
24 the offense of swatting or making a bomb scare or shooting  
25 threat to reimburse the victim of the offense for economic harm

1 caused by that offense.

2 [F.] H. As used in this section, "economic harm"  
3 means all direct, incidental and consequential financial harm  
4 suffered by a victim of the offense of swatting or making a  
5 bomb scare or shooting threat. "Economic harm" includes:

6 (1) wages, salaries or other compensation lost  
7 as a result of the commission of the offense of swatting or  
8 making a bomb scare or shooting threat;

9 (2) the cost of all wages, salaries or other  
10 compensation paid to employees for time that those employees  
11 are prevented from working as a result of the commission of the  
12 offense of swatting or making a bomb scare or shooting threat;  
13 and

14 (3) overhead costs incurred for the period of  
15 time that a business is shut down as a result of the commission  
16 of the offense of swatting or making a bomb scare or shooting  
17 threat.

18 I. As used in this section:

19 (1) "public safety agency" means a public body  
20 that provides firefighting, law enforcement, ambulance, medical  
21 or other emergency services; and

22 (2) "public safety answering point" means a  
23 twenty-four-hour local jurisdiction communications facility  
24 that receives 911 calls."