

HOUSE BILL 287

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO CRIME; AMENDING THE CRIME OF THE USE OF A TELEPHONE TO TERRIFY, INTIMIDATE, THREATEN, HARASS, ANNOY OR OFFEND TO INCLUDE TEXT MESSAGES AND SOCIAL MEDIA.

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

SECTION 1. Section 30-20-12 NMSA 1978 (being Laws 1967, Chapter 120, Section 2) is amended to read:

"30-20-12. USE OF TELEPHONE, TEXT MESSAGE OR SOCIAL MEDIA TO TERRIFY, INTIMIDATE, THREATEN, HARASS, ANNOY OR OFFEND-- PENALTY.--

A. It [~~shall be~~] is unlawful for any person, with intent to terrify, intimidate, threaten, harass, annoy or offend, to telephone, [~~another~~] text message or contact via social media, and use any obscene, lewd or profane language or suggest any lewd, criminal or lascivious act or threaten to

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1 inflict injury or physical harm to the person or property of
2 any person. It ~~[shall]~~ is also ~~[be]~~ unlawful for ~~[any]~~ a
3 person to attempt by use of telephone, text message or contact
4 via social media to extort money or other thing of value from
5 any other person, or to otherwise disturb by repeated anonymous
6 telephone calls, text messages or contact via social media the
7 peace, quiet or right of privacy of any other person at the
8 place where the telephone ~~[call or]~~ calls ~~[were]~~, text messages
9 or contact via social media was received, or to maliciously
10 make a telephone call, send a text message or contact via
11 social media, whether or not conversation ensues, with intent
12 to annoy or disturb another, or to disrupt the
13 telecommunications of another.

14 B. The use of obscene, lewd or profane language or
15 the making of a threat or statement as set forth in Subsection
16 A of this section shall be prima facie evidence of intent to
17 terrify, intimidate, threaten, harass, annoy or offend.

18 C. Any offense committed by use of a telephone, a
19 text message or social media as set forth in this section shall
20 be deemed to have been committed at either the place where the
21 telephone ~~[call or]~~ calls, text messages or contact via social
22 media originated or at the place where the telephone ~~[call or]~~
23 calls ~~[were]~~, text messages or contact via social media was
24 received.

25 D. ~~[Whosoever]~~ Whoever violates this section is

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1 guilty of a misdemeanor, unless such person has previously been
2 convicted of such offense or of an offense under the laws of
3 another state or of the United States [~~which~~] that would have
4 been an offense under this section if committed in this state,
5 in which case such person is guilty of a fourth degree felony."