

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 70

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

AN ACT

RELATING TO CRIME; AMENDING THE RACKETEERING ACT; ADDING
CERTAIN CRIMES TO THE DEFINITION OF "RACKETEERING".

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

SECTION 1. Section 30-42-1 NMSA 1978 (being Laws 1980,
Chapter 40, Section 1) is amended to read:

"30-42-1. SHORT TITLE.--~~[This act]~~ Chapter 30, Article 42
NMSA 1978 may be cited as the "Racketeering Act"."

SECTION 2. Section 30-42-3 NMSA 1978 (being Laws 1980,
Chapter 40, Section 3, as amended) is amended to read:

"30-42-3. DEFINITIONS.--As used in the Racketeering Act:

A. "racketeering" means any act that is chargeable
or indictable under the laws of New Mexico and punishable by
imprisonment for more than one year, involving any of the
following cited offenses:

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- 1 (1) murder, as provided in Section 30-2-1 NMSA
- 2 1978;
- 3 (2) robbery, as provided in Section 30-16-2
- 4 NMSA 1978;
- 5 (3) kidnapping, as provided in Section 30-4-1
- 6 NMSA 1978;
- 7 (4) forgery, as provided in Section 30-16-10
- 8 NMSA 1978;
- 9 (5) larceny, as provided in Section 30-16-1
- 10 NMSA 1978;
- 11 (6) fraud, as provided in Section 30-16-6 NMSA
- 12 1978;
- 13 (7) embezzlement, as provided in Section
- 14 30-16-8 NMSA 1978;
- 15 (8) receiving stolen property, as provided in
- 16 Section 30-16-11 NMSA 1978;
- 17 (9) bribery, as provided in Sections 30-24-1
- 18 through 30-24-3.1 NMSA 1978;
- 19 (10) gambling, as provided in Sections
- 20 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;
- 21 (11) illegal kickbacks, as provided in
- 22 Sections 30-41-1 and 30-41-2 NMSA 1978;
- 23 (12) extortion, as provided in Section 30-16-9
- 24 NMSA 1978;
- 25 (13) trafficking in controlled substances, as

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1 provided in Section 30-31-20 NMSA 1978;

2 (14) arson and aggravated arson, as provided
3 in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA
4 1978;

5 (15) promoting prostitution, as provided in
6 Section 30-9-4 NMSA 1978;

7 (16) criminal solicitation, as provided in
8 Section 30-28-3 NMSA 1978;

9 (17) fraudulent securities practices, as
10 provided in the New Mexico Uniform Securities Act;

11 (18) loan sharking, as provided in Sections
12 30-43-1 through 30-43-5 NMSA 1978;

13 (19) distribution of controlled substances or
14 controlled substance analogues, as provided in Sections
15 30-31-21 and 30-31-22 NMSA 1978;

16 (20) [~~a violation of the provisions of~~] money
17 laundering, as provided in Section 30-51-4 NMSA 1978;

18 (21) unlawful taking of a vehicle or motor
19 vehicle, as provided in Section 30-16D-1 NMSA 1978;

20 (22) embezzlement of a vehicle or motor
21 vehicle, as provided in Section 30-16D-2 NMSA 1978;

22 (23) fraudulently obtaining a vehicle or motor
23 vehicle, as provided in Section 30-16D-3 NMSA 1978;

24 (24) receiving or transferring stolen vehicles
25 or motor vehicles, as provided in Section 30-16D-4 NMSA 1978;

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1 (25) altering or changing the serial number,
2 engine number, decal or other numbers or marks of a vehicle or
3 motor vehicle, as provided in Section 30-16D-6 NMSA 1978; ~~[and]~~

4 (26) trafficking cannabis products, as
5 provided in Section 26-2C-28 NMSA 1978;

6 (27) sexual exploitation of children, as
7 provided in Sections 30-6A-3 and 30-6A-4 NMSA 1978;

8 (28) criminal sexual penetration, as provided
9 in Section 30-9-11 NMSA 1978;

10 (29) criminal sexual contact, as provided in
11 Sections 30-9-12 and 30-9-13 NMSA 1978;

12 (30) dog fighting and cockfighting, as
13 provided in Section 30-18-9 NMSA 1978;

14 (31) bringing contraband into places of
15 imprisonment, as provided in Section 30-22-14 NMSA 1978; and

16 (32) human trafficking, as provided in Section
17 30-52-1 NMSA 1978;

18 B. "person" means an individual or entity capable
19 of holding a legal or beneficial interest in property;

20 C. "enterprise" means a sole proprietorship,
21 partnership, corporation, business, labor union, association or
22 other legal entity or a group of ~~[individuals]~~ persons
23 associated in fact although not a legal entity, and includes
24 illicit as well as licit entities; and

25 D. "pattern of racketeering activity" means

1 engaging in at least two incidents of racketeering with the
2 intent of accomplishing any of the prohibited activities set
3 forth in Subsections A through D of Section 30-42-4 NMSA 1978;
4 provided at least one of the incidents occurred after February
5 28, 1980 and the last incident occurred within five years after
6 the commission of a prior incident of racketeering."

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