

State of New Mexico
House of Representatives

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

February 18, 2025

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 26

Amendment sponsored by Representative

1. On page 1, line 13, before the period, insert "; ADDING A BURDEN OF PROOF FOR ENFORCEMENT OF TICKET SCALPING VIOLATIONS".

2. On page 2, between lines 13 and 14, insert:

"SECTION 2. A new section of Chapter 30, Article 46 NMSA 1978 is enacted to read:

"[NEW MATERIAL] BURDEN OF PROOF FOR ENFORCEMENT OF TICKET SCALPING VIOLATIONS.--

A. No prosecution under Section 30-46-1 NMSA 1978 shall proceed unless the enforcing agency provides clear and convincing evidence that:

(1) the reseller personally acquired the ticket directly from the event venue, the official event promoter or an authorized ticketing agent;

(2) the reseller sold or attempted to sell the ticket at a price greater than the price charged at the place of admission or printed on the ticket; and

(3) the reseller acted knowingly and with intent to defraud, as demonstrated by repeated sales, use of automated purchasing software or concealment of the reseller's identity in the transaction.

B. A person shall not be deemed to have acted with intent to defraud under this section if:

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(1) the ticket was resold for an amount equal to or less than twenty percent above face value to account for fees and transaction costs; or

(2) the person resold five or fewer tickets for a given event and provides reasonable proof of original purchase.

C. The burden of proof shall rest solely on the enforcing agency to establish each element of the offense beyond a reasonable doubt.

D. No civil or criminal penalty shall be imposed for a violation of Section 30-46-1 NMSA 1978 unless all elements under Subsection A of this section are met."".

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____