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HOUSE BILL 333

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO THE DESECRATION OF ROADSIDE MEMORIALS; ESTABLISHING  
PENALTIES.

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

Section 1. A new section of the Criminal Code is enacted  
to read:

"~~[NEW MATERIAL]~~ DESECRATION OF ROADSIDE MEMORIALS--  
PENALTY.--

A. A person shall not knowingly or willfully deface  
or destroy, in whole or in part, a descanso, also known as a  
memorial, placed alongside a public road right of way to  
memorialize a motor vehicle accident that resulted in the death  
of one or more persons.

B. A person who violates the provisions of  
Subsection A of this section is:

.165097.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
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(1) for a first offense, guilty of a petty misdemeanor and upon conviction shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978; and

(2) for a second and subsequent offense, guilty of a misdemeanor and upon conviction shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

C. The provisions of this section shall not apply to law enforcement officials or other employees of the state or a political subdivision of the state who in the course of the lawful discharge of their duties move or remove a descanso that obstructs or damages any public road in this state."