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SENATE BILL 736

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

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE KNOWN AS SMUGGLING OF PERSONS; PROVIDING 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] SMUGGLING OF PERSONS.--

A. Smuggling of persons consists of a person for pecuniary benefit knowingly:

(1) transporting another person in a manner that is designed to conceal the person from local, state or federal law enforcement authorities and that creates a substantial likelihood that the individual will suffer great bodily harm or death; or

(2) procuring transportation for another

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1 person that is designed to conceal the person from local, state  
2 or federal law enforcement authorities and that creates a  
3 substantial likelihood that the individual will suffer great  
4 bodily harm or death.

5 B. Whoever commits smuggling of persons that does  
6 not result in injury to another person is guilty of a third  
7 degree felony, except if the person smuggles a child who is:

8 (1) thirteen to eighteen years of age, the  
9 person is guilty of a second degree felony; or

10 (2) under the age of thirteen, the person is  
11 guilty of a first degree felony.

12 C. Whoever commits smuggling of persons that  
13 results in injury to another person is guilty of a second  
14 degree felony, except if the person smuggles a child who is  
15 under the age of eighteen, the person is guilty of a first  
16 degree felony.

17 D. Whoever commits smuggling of persons that  
18 results in great bodily harm to another person or another  
19 person's death is guilty of a first degree felony.

20 E. A person convicted of smuggling of persons who  
21 transported or procured transportation for ten or more persons  
22 shall have the person's sentence enhanced by three years."

23 Section 2. A new section of the Criminal Code is enacted  
24 to read:

25 "[NEW MATERIAL] SEIZURE AND FORFEITURE OF A MOTOR VEHICLE

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USED IN THE COMMISSION OF SMUGGLING OF PERSONS.--

A. A motor vehicle shall be subject to seizure and forfeiture when the vehicle is used or intended for use in the commission of the offense of smuggling of persons.

B. The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of a motor vehicle subject to forfeiture pursuant to Subsection A of this section."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007.