

AN ACT

RELATING TO CRIMINAL OFFENSES; PROVIDING FOR LIABILITY FOR COSTS INCURRED FOR FIGHTING A FOREST FIRE AND FOR DAMAGES; PROVIDING FOR ARREST FOR VIOLATION OF FOREST FIRE LAWS; REPEALING SECTION 30-32-2 NMSA 1978 (BEING LAWS 1921, CHAPTER 33, SECTION 5, AS AMENDED).

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

Section 1. Section 30-32-1 NMSA 1978 (being Laws 1921, Chapter 33, Section 4, as amended) is amended to read:

"30-32-1. FIRES EXTINGUISHED BY OFFICERS--
RESPONSIBILITY FOR COSTS.--

A. As used in this section, "forest fire" means a fire burning uncontrolled on lands covered wholly or in part by timber, brush, grass, grain or other inflammable vegetation.

B. A person who willfully or recklessly sets a forest fire or causes a forest fire to be set for which efforts to control or extinguish the fire are exerted by the forestry division of the energy, minerals and natural resources department; an agency under agreement with the energy, minerals and natural resources department; a county or municipality; or any fire protection agency of the United States may be liable for the costs incurred, including expenses for fighting the fire and costs of investigation.

Section 2. Section 30-32-3 NMSA 1978 (being Laws 1921, Chapter 33, Section 6) is amended to read:

"30-32-3. ARREST FOR VIOLATIONS.--All peace officers of the state, including department of game and fish conservation officers, have the power to make arrests on warrant issued by any magistrate of the state for violation of any of the state forest fire laws, including Chapter 68, Article 2 NMSA 1978, rules implementing Chapter 68, Article 2 NMSA 1978 or fire restrictions issued pursuant to such rules, or without warrant for violations of those laws committed in their presence, and shall not be liable to civil action for trespass for acts done in the discharge of their duties."

Section 3. REPEAL.--Section 30-32-2 NMSA 1978 (being Laws 1921, Chapter 33, Section 5, as amended) is repealed. _____