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SENATE BILL 193

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Gerald P. Ortiz y Pino

AN ACT

RELATING TO TERRORISM; PROHIBITING ACTS OF TERRORISM AND THE
USE OF WEAPONS OF MASS DESTRUCTION; EXPANDING DEFINITIONS IN
THE ANTITERRORISM ACT; PROVIDING AND INCREASING PENALTIES.

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

Section 1. Section 30-20A-1 NMSA 1978 (being Laws 1990,
Chapter 66, Section 1) is amended to read:

"30-20A-1. SHORT TITLE.--~~[This act]~~ Chapter 30, Article
20A NMSA 1978 may be cited as the "Antiterrorism Act"."

Section 2. Section 30-20A-2 NMSA 1978 (being Laws 1990,
Chapter 66, Section 2) is amended to read:

"30-20A-2. DEFINITIONS.--As used in the Antiterrorism
Act:

~~[A. "civil disorder" means any planned act of
violence by an assemblage of two or more persons with the~~

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1 ~~intent to cause damage or injury to another individual or his~~
2 ~~property;]~~

3 A. "act of terrorism" means an act of violence or a
4 threat of violence that is likely to cause death or great
5 bodily harm or to cause property damage in excess of one
6 hundred twenty-five thousand dollars (\$125,000) and that is
7 intended to intimidate or coerce a civilian population or
8 influence the policy or conduct of a unit of government;

9 B. "destructive device" means:

10 (1) [~~any~~] an explosive; an incendiary; [~~or~~] a
11 poison gas;

12 [~~(a)~~] a bomb;

13 [~~(b)~~] a grenade;

14 [~~(c)~~] a rocket having a propellant charge
15 of more than four ounces;

16 [~~(d)~~] a missile having an explosive or
17 incendiary charge of more than [~~one-quarter~~] one-fourth ounce;

18 [~~(e)~~] or a mine [~~or~~

19 ~~(f) similar device~~];

20 (2) any type of weapon that can expel or may
21 be readily converted to expel a projectile by the action of an
22 explosive or other propellant, the barrel or barrels of which
23 have a bore of more than six-tenths inch in diameter, except a
24 shotgun, shotgun shell or muzzle loading firearm that is
25 generally recognized as particularly suitable for sporting

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1 purposes; [~~or~~]

2 (3) a radiological, nuclear, chemical or
3 biological agent, including a virus, bacteria or other germ,
4 capable of causing illness or death in people, animals or
5 plants; or

6 [~~(3) any~~] (4) a part or combination of parts
7 either designed or intended for use in converting or assembling
8 any device described in Paragraphs (1) and (2) of this
9 subsection.

10 The term "destructive device" [~~shall~~] does not include any
11 device that is neither designed nor redesigned nor readily
12 convertible for use as a weapon;

13 C. "firearm" means any weapon that can expel or is
14 designed to or may readily be converted to expel a projectile
15 by the action of an explosion, the frame or receiver of any
16 such weapon, [~~any~~] a firearm muffler or firearm silencer.

17 "Firearm" includes any handgun, rifle or shotgun; [~~and~~]

18 D. "law enforcement officer" means [~~any~~] an
19 employee of a police or public safety department or an agency
20 charged with prevention or response to an act of terrorism
21 administered by the state or [~~any~~] a political subdivision of
22 the state where the employee is responsible for the prevention
23 and detection of crime and the enforcement of the penal,
24 traffic or highway laws of this state. "Law enforcement
25 officer" includes [~~any~~] a member of the New Mexico national

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1 guard; [~~any~~] a peace officer of the United States, [~~any~~] a
2 state, [~~any~~] a political subdivision of a state or the district
3 of Columbia; [~~any~~] a member of the New Mexico mounted patrol or
4 the national guard, as defined in 10 U.S.C. Sec. 101(9); [~~any~~]
5 a member of the organized militia of [~~any~~] a state or territory
6 of the United States, the commonwealth of Puerto Rico or the
7 district of Columbia not included within the definition of
8 national guard; and [~~any~~] a member of the armed forces of the
9 United States. "Law enforcement officer" also means [~~any~~] a
10 person or entity acting as a contractor for any other law
11 enforcement officer, police or public safety department
12 described in this section; and

13 E. "weapon of mass destruction" means any device
14 capable of releasing a radioactive, biological, toxic or
15 chemical agent in any form or by any means that will or may
16 reasonably be expected to produce death, bodily harm or illness
17 in a civilian population or to destroy an agricultural crop,
18 livestock or a food supply."

19 Section 3. Section 30-20A-3 NMSA 1978 (being Laws 1990,
20 Chapter 66, Section 3) is amended to read:

21 "30-20A-3. UNLAWFUL ACTS--PENALTY.--

22 A. [~~Any~~] A person who teaches or demonstrates the
23 use, application or making of any firearm, destructive device,
24 weapon of mass destruction or technique capable of causing
25 injury or death to any person with the intent that the

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1 knowledge or skill taught, demonstrated or gained be
2 [~~unlawfully~~] used in furtherance of [~~a civil disorder~~] an act
3 of terrorism or the use or threatened use of a weapon of mass
4 destruction is guilty of a [~~fourth~~] third degree felony [~~and~~
5 ~~shall be sentenced under the provisions of the Criminal~~
6 ~~Sentencing Act to imprisonment for a definite term of eighteen~~
7 ~~months or, in the discretion of the sentencing court, to a fine~~
8 ~~of not more than five thousand dollars (\$5,000) or both].~~

9 B. [~~Any~~] A person who trains, practices or receives
10 instruction in the use of any firearm, destructive device,
11 weapon of mass destruction or technique capable of causing
12 injury or death to any person with the intent that the
13 knowledge or skill taught, demonstrated or gained be
14 [~~unlawfully~~] used in furtherance of [~~a civil disorder~~] an act
15 of terrorism or the use or threatened use of a weapon of mass
16 destruction is guilty of a [~~fourth~~] third degree felony [~~and~~
17 ~~shall be sentenced under the provisions of the Criminal~~
18 ~~Sentencing Act to imprisonment for a definite term of eighteen~~
19 ~~months or, in the discretion of the sentencing court, to a fine~~
20 ~~of not more than five thousand dollars (\$5,000) or both].~~

21 C. Whoever commits an act of terrorism or uses a
22 weapon of mass destruction is guilty of a first degree felony.

23 D. Prosecution pursuant to this section does not
24 prevent prosecution pursuant to another provision of law if the
25 conduct also constitutes a violation of that provision of law."

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1 Section 4. EFFECTIVE DATE.--The effective date of the
2 provisions of this act is July 1, 2008.

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