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SENATE BILL 118

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO CRIMINAL LAW; EXPANDING THE CRIME OF RACKETEERING TO INCLUDE FALSE APPLICATION, CLAIM OR PROOF OF LOSS WITH RESPECT TO INSURANCE.

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

Section 1. Section 30-42-1 NMSA 1978 (being Laws 1980, Chapter 40, Section 1) is amended to read:

"30-42-1. SHORT TITLE.--~~[This act]~~ Chapter 30, Article 42 NMSA 1978 may be cited as the "Racketeering Act"."

Section 2. Section 30-42-3 NMSA 1978 (being Laws 1980, Chapter 40, Section 3, as amended) is amended to read:

"30-42-3. DEFINITIONS.--As used in the Racketeering Act:

A. "racketeering" means any act that is chargeable or indictable under the laws of New Mexico and punishable by imprisonment for more than one year, involving any of the

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1 following cited offenses:

2 (1) murder, as provided in Section 30-2-1 NMSA
3 1978;

4 (2) robbery, as provided in Section 30-16-2
5 NMSA 1978;

6 (3) kidnapping, as provided in Section 30-4-1
7 NMSA 1978;

8 (4) forgery, as provided in Section 30-16-10
9 NMSA 1978;

10 (5) larceny, as provided in Section 30-16-1
11 NMSA 1978;

12 (6) fraud, as provided in Section 30-16-6 NMSA
13 1978;

14 (7) embezzlement, as provided in Section
15 30-16-8 NMSA 1978;

16 (8) receiving stolen property, as provided in
17 Section 30-16-11 NMSA 1978;

18 (9) bribery, as provided in Sections 30-24-1
19 through 30-24-3 NMSA 1978;

20 (10) gambling, as provided in Sections
21 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;

22 (11) illegal kickbacks, as provided in
23 Sections 30-41-1 and 30-41-2 NMSA 1978;

24 (12) extortion, as provided in Section 30-16-9
25 NMSA 1978;

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1 (13) trafficking in controlled substances, as
2 provided in Section 30-31-20 NMSA 1978;

3 (14) arson and aggravated arson, as provided
4 in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA
5 1978;

6 (15) promoting prostitution, as provided in
7 Section 30-9-4 NMSA 1978;

8 (16) criminal solicitation, as provided in
9 Section 30-28-3 NMSA 1978;

10 (17) fraudulent securities practices, as
11 provided in the New Mexico Securities Act of 1986;

12 (18) loan sharking, as provided in Sections
13 30-43-1 through 30-43-5 NMSA 1978;

14 (19) distribution of controlled substances or
15 controlled substance analogues, as provided in Sections
16 30-31-21 and 30-31-22 NMSA 1978; [~~and~~]

17 (20) a violation of the money laundering
18 provisions of Section [~~4 of the Money Laundering Act~~] 30-51-4
19 NMSA 1978; or

20 (21) false application, claim or proof of loss
21 as provided in Section 59A-16-23 NMSA 1978;

22 B. "person" means an individual or entity capable
23 of holding a legal or beneficial interest in property;

24 C. "enterprise" means a sole proprietorship,
25 partnership, corporation, business, labor union, association or

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1 other legal entity or a group of individuals associated in fact
2 although not a legal entity and includes illicit as well as
3 licit entities; and

4 D. "pattern of racketeering activity" means
5 engaging in at least two incidents of racketeering with the
6 intent of accomplishing any of the prohibited activities set
7 forth in Subsections A through D of Section 30-42-4 NMSA 1978;
8 provided at least one of the incidents occurred after [~~the~~
9 ~~effective date of the Racketeering Act~~] February 28, 1980 and
10 the last incident occurred within five years after the
11 commission of a prior incident of racketeering."