

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 612

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

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO CRIME; MAKING IT A CRIME TO OBTAIN A BENEFIT OR ASSIST A PERSON TO OBTAIN A BENEFIT USING A FRAUDULENT SCHEME OR ARTIFICE INVOLVING PUBLIC ASSETS, PROPERTY, FUNDS OR SERVICES; PROVIDING A PENALTY.

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] FRAUDULENT SCHEMES AND ARTIFICES-- DEFINITION--PENALTY.--

A. A person who, pursuant to a scheme or artifice to defraud, knowingly obtains any benefit involving public assets, property, funds or services by means of false or fraudulent pretenses, representations, promises or material omissions is guilty of a second degree felony.

underscoring material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

B. A person who knowingly participates in a scheme or artifice to defraud with a person who, pursuant to that scheme or artifice to defraud, obtains any benefit involving public assets, property, funds or services by means of false or fraudulent pretenses, is guilty of a second degree felony.

C. As used in this section, "scheme or artifice to defraud" includes a scheme or artifice to deprive a person of the intangible right of honest services."