

HOUSE BILL 95

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Nate Gentry and Paul A. Pacheco

This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. In addition, it shows changes proposed by Cook floor amendment .203808.1. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR THE ALTERATION OF A BASIC SENTENCE WHEN A CRIME IS MOTIVATED BY HATE AGAINST A LAW ENFORCEMENT OFFICER, ~~OR FIRST RESPONDERS~~ OR A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN UNDER CERTAIN CIRCUMSTANCES; AMENDING THE HATE CRIMES ACT.

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

SECTION 1. Section 31-18B-1 NMSA 1978 (being Laws 2003, Chapter 384, Section 1) is amended to read:

"31-18B-1. SHORT TITLE.--~~[This act]~~ Chapter 31, Article 18B NMSA 1978 may be cited as the "Hate Crimes Act"."

SECTION 2. Section 31-18B-2 NMSA 1978 (being Laws 2003, Chapter 384, Section 2, as amended) is amended to read:

.202116.1 Amendments in Context

underscored material = new  
[bracketed material] = delete  
~~language deleted~~ = deleted by HJC amendment  
New amended language = new by HJC amendment  
New amended language = new by HFLR amendment (Cook)  
~~language deleted~~ = deleted by HFLR amendment (Cook)

"31-18B-2. DEFINITIONS.--As used in the Hate Crimes Act:

A. "age" means sixty years of age or older;

B. "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

C. "disability" means that the person has a physical or mental disability that substantially limits one or more of that person's functions, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working;

D. "motivated by hate" means the commission of a crime with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, [handicapped status] disability, status as a law enforcement officer, status as a firefighter or emergency medical technician when the person is on duty as a firefighter or emergency medical technician; first responders, gender, sexual orientation; or gender identity of the victim, whether or not the offender's belief or perception was correct; and

E. "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

SECTION 3. EFFECTIVE DATE.--The effective date of the

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provisions of this act is July 1, 2016.

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