

HOUSE BILL 144

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Meredith Dixon and Antonio Maestas and William "Bill" R. Rehm

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF DAMAGE TO PROPERTY BY THEFT OR ATTEMPTED THEFT OF REGULATED MATERIAL HJC→HCPAC→;
~~PROHIBITING A SECONDHAND METAL DEALER FROM PURCHASING OR RECEIVING REGULATED MATERIAL NOT LAWFULLY OWNED←HCPAC←HJC~~
HJC→; PROHIBITING A SECONDHAND METAL DEALER FROM PURCHASING OR RECEIVING REGULATED MATERIAL NOT LAWFULLY POSSESSED←HJC ;
PROVIDING PENALTIES.

.218890.2AIC February 24, 2021 (1:35pm)

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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] DAMAGE TO PROPERTY BY THEFT OR ATTEMPTED THEFT OF REGULATED MATERIAL--PENALTIES.--

A. Criminal damage to property by theft or attempted theft of regulated material consists of the unlawful taking or attempted taking of any regulated material from another that results in HCPAC→any←HCPAC damage to real or personal property HCPAC→~~when the cost to repair the damage is more than two thousand five hundred dollars (\$2,500)~~←HCPAC .

Whoever commits criminal damage to property by theft or attempted theft of regulated material HCPAC→~~is guilty of a fourth degree felony.~~←HCPAC HCPAC→**resulting in a cost to repair the property or replace the regulated material in an amount of:**

(1) **less than one thousand dollars (\$1,000) is guilty of a petty misdemeanor;**

(2) **one thousand dollars (\$1,000) or more but less than two thousand five hundred dollars (\$2,500) is guilty of a misdemeanor; or**

(3) **two thousand five hundred dollars (\$2,500) or more is guilty of a fourth degree felony.**←HCPAC

HJC→~~B. Any person who is guilty of criminal damage to property by theft or attempted theft of regulated material~~

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~~shall be required to provide restitution to the owner of the regulated material and the owner of any real or personal property damaged by the theft.~~←HJC

HJC→C.←HJC HJC→B.←HJC For the purposes of this section:

(1) "aluminum material" means a product made from aluminum, an aluminum alloy or an aluminum byproduct and includes an aluminum beer keg, but does not include other types of aluminum cans used to contain a food or beverage;

(2) "bronze material" means:
(a) a cemetery vase, receptacle or memorial made from bronze;
(b) bronze statuary; or
(c) material readily identifiable as bronze;

(3) "copper or brass material" means:
(a) insulated or noninsulated copper wire, hardware or cable of the type used by a public utility, commercial mobile radio service carrier or common carrier that consists of at least twenty-five percent copper; or
(b) a copper or brass item of a type commonly used in construction or by a public utility, commercial mobile radio service carrier or common carrier;

(4) "lead material" means:
(a) a lead-acid battery; or

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(b) material readily identifiable as being made of or containing lead;

(5) "regulated material" means:

- (a) aluminum material;
- (b) bronze material;
- (c) copper or brass material;
- (d) steel material;
- (e) lead material;
- (f) a utility access cover;
- (g) a water meter cover;
- (h) a road or bridge guard rail;
- (i) a highway or street sign;
- (j) a traffic directional or control sign or signal; or

(k) a catalytic converter that is not part of an entire motor vehicle; and

(6) "steel material" means a product made from an alloy of iron, chromium, nickel or manganese, including stainless steel beer kegs."

HJC→HCPAC→~~SECTION 2. Section 57-30-2.4 NMSA 1978 (being Laws 2012, Chapter 29, Section 16 and Laws 2012, Chapter 33, Section 16) is amended to read:~~

~~"57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL DOCUMENTATION REQUIRED.--~~

~~A. A secondhand metal dealer shall not purchase any~~

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~~of the following without written documentation indicating that the seller is the rightful owner, [or] has permission from the rightful owner [or] and that the material was otherwise lawfully obtained:~~

~~(1) infrastructure grade regulated material that has been burned to remove insulation, unless the seller can produce written proof that the regulated material was lawfully burned;~~

~~(2) regulated material where the manufacturer's make, model, serial or personal identification number or other identifying marks engraved or etched upon the material have been conspicuously removed or altered;~~

~~(3) regulated material marked with the name, initials or otherwise identified as the property of an electrical company, a telephone company, a cable company, a water company or other utility company, a railroad or a governmental entity;~~

~~(4) a utility access cover;~~

~~(5) a water meter cover;~~

~~(6) a road or bridge guard rail;~~

~~(7) a highway or street sign;~~

~~(8) a traffic directional or control sign or signal;~~

~~(9) a metal beer keg that is clearly marked as~~

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~~being the property of the beer manufacturer; or~~

~~(10) a catalytic converter that is not part of
an entire motor vehicle.~~

~~B. The department shall promulgate rules that more
specifically describe the type of documentation required before
a secondhand metal dealer may engage in a transaction described
in this section.~~

~~C. A secondhand metal dealer shall not purchase or
otherwise receive any regulated material that the secondhand
metal dealer knows is not lawfully owned by the person offering
to sell or provide the regulated material."←HCPAG←HJC~~

HJC→SECTION 2. Section 57-30-2.4 NMSA 1978 (being Laws
2012, Chapter 29, Section 16 and Laws 2012, Chapter 33, Section
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"57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL
DOCUMENTATION REQUIRED.--

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of the following without written documentation indicating that
the seller is the rightful owner or has permission from the
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(4) a utility access cover;

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(7) a highway or street sign;

(8) a traffic directional or control sign or signal;

(9) a metal beer keg that is clearly marked as being the property of the beer manufacturer; or

(10) a catalytic converter that is not part of an entire motor vehicle.

B. The department shall promulgate rules that more specifically describe the type of documentation required before a secondhand metal dealer may engage in a transaction described in this section.

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C. A secondhand metal dealer shall not purchase or otherwise receive any regulated material that the secondhand metal dealer knows is not lawfully possessed by the person offering to sell or provide the regulated material."←HJC

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