

1 HOUSE BILL 144

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Meredith Dixon and Antonio Maestas and William "Bill" R. Rehm
5 and Natalie Figueroa and Joshua N. Hernandez
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10 AN ACT

11 RELATING TO CRIME; CREATING THE CRIME OF DAMAGE TO PROPERTY BY
12 THEFT OR ATTEMPTED THEFT OF REGULATED MATERIAL; PROVIDING
13 PENALTIES.
14

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

16 SECTION 1. A new section of the Criminal Code is enacted
17 to read:

18 "[NEW MATERIAL] DAMAGE TO PROPERTY BY THEFT OR ATTEMPTED
19 THEFT OF REGULATED MATERIAL--PENALTIES.--

20 A. Criminal damage to property by theft or
21 attempted theft of regulated material consists of the unlawful
22 taking or attempted taking of any regulated material from
23 another that results in damage to real or personal property
24 when the cost to repair the damage is more than two thousand
25 five hundred dollars (\$2,500). Whoever commits criminal damage

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underscored material = new
[bracketed material] = delete

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

1 to property by theft or attempted theft of regulated material
2 is guilty of a fourth degree felony.

3 B. Any person who is guilty of criminal damage to
4 property by theft or attempted theft of regulated material
5 shall be required to provide restitution to the owner of the
6 regulated material and the owner of any real or personal
7 property damaged by the theft.

8 C. For the purposes of this section:

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

13 (2) "bronze material" means:

14 (a) a cemetery vase, receptacle or
15 memorial made from bronze;

16 (b) bronze statuary; or

17 (c) material readily identifiable as
18 bronze;

19 (3) "copper or brass material" means:

20 (a) insulated or noninsulated copper
21 wire, hardware or cable of the type used by a public utility,
22 commercial mobile radio service carrier or common carrier that
23 consists of at least twenty-five percent copper; or

24 (b) a copper or brass item of a type
25 commonly used in construction or by a public utility,

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

1 commercial mobile radio service carrier or common carrier;

2 (4) "lead material" means:

3 (a) a lead-acid battery; or

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

6 (5) "regulated material" means:

7 (a) aluminum material;

8 (b) bronze material;

9 (c) copper or brass material;

10 (d) steel material;

11 (e) lead material;

12 (f) a utility access cover;

13 (g) a water meter cover;

14 (h) a road or bridge guard rail;

15 (i) a highway or street sign;

16 (j) a traffic directional or control
17 sign or signal; or

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

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

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