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SENATE BILL 258

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

INTRODUCED BY

Gregory A. Baca

AN ACT

RELATING TO CRIMINAL LAW; CREATING THE CRIME OF LOOTING;
PRESCRIBING A PENALTY; DECLARING AN EMERGENCY.

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] LOOTING--PENALTY.--

A. Looting consists of knowingly and without
authority of law or consent of the owner:

(1) entering any home or dwelling or any
commercial business or property in which normal security of
property is unavailable because of fire, natural disaster,
riot, mob or other man-made disaster or emergency; and

(2) obtaining or exerting control over or
damaging or removing property of the owner.

underscoring material = new
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B. Whoever commits looting is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978. Regardless of whether a court imposes a sentence of imprisonment pursuant to Section 31-18-15 NMSA 1978 or suspends or defers imprisonment pursuant to the provisions of Section 31-20-3 NMSA 1978, the court shall impose a sentence of at least one hundred hours of community service as determined by the court and shall require the defendant to make restitution, pursuant to Section 31-17-1 NMSA 1978, to the owner of the property looted."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.