

1 SENATE BILL 248

2 56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

3 INTRODUCED BY

4 Leo Jaramillo

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10 AN ACT

11 RELATING TO CRIMINAL OFFENSES; ENACTING THE UNSAFE USE OF
12 PUBLIC ROADWAYS AND SPACES ACT; DEFINING TERMS; PRESCRIBING
13 PENALTIES.

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

16 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
17 cited as the "Unsafe Use of Public Roadways and Spaces Act".

18 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
19 Unsafe Use of Public Roadways and Spaces Act:

20 A. "limited public forum within a public parking
21 lot" means a pedestrian walkway not within vehicular aisles or
22 parking spaces of a parking lot;

23 B. "limited public forum within a right of way"
24 means:

25 (1) a paved median greater than thirty-six

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1 inches in width; and

2 (2) a paved or unpaved pedestrian walkway
3 immediately adjacent to traffic or turning lanes, including a
4 curb;

5 C. "median" means any area within a traveled
6 roadway, including a bordering curb, that is elevated or
7 otherwise physically separated from traffic lanes or turning
8 lanes and that is intended to create a physical separation
9 between lanes of traffic, regardless of direction;

10 D. "nonpublic forum within a public parking lot"
11 means vehicular aisles and parking spaces in a parking lot;

12 E. "nonpublic forum within a right of way" means
13 traffic lanes, turn lanes, on-street parking spaces within a
14 roadway and medians thirty-six inches or less in width;

15 F. "pedestrian walkway" means a sidewalk, path,
16 trail or other area intended for use by pedestrians;

17 G. "public roadway" means a publicly owned street,
18 road, highway or other traveled route intended for vehicular
19 traffic;

20 H. "right of way" means the entirety of a public
21 roadway, including the traveled surface, sidewalks, trails,
22 medians and other adjoining spaces separating the traveled
23 roadway from adjoining properties;

24 I. "solicit" and "solicitation" means a request by
25 a person through words, signs or actions for donations of money

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1 or other items of value, appeals for support of persons,
2 policies or projects and offers to sell products or services;

3 J. "solicitor" means a person who engages in
4 solicitation; and

5 K. "traditional public forum" means a pedestrian
6 area within a right of way that is not a limited public forum
7 within a right of way, a limited public forum within a public
8 parking lot, a nonpublic forum within a public parking lot or a
9 nonpublic forum within a right of way.

10 SECTION 3. [NEW MATERIAL] SOLICITATION REGULATIONS.--

11 A. Solicitation is allowed in all traditional
12 public forums.

13 B. Solicitation is allowed in all limited public
14 forums within a right of way and limited public forums within a
15 public parking lot; provided that it is unlawful to solicit
16 from one-half hour after sunset until one-half hour before
17 sunrise.

18 C. It is unlawful to solicit in a nonpublic forum
19 within a right of way and in a nonpublic forum within a public
20 parking lot.

21 D. It is unlawful for an occupant of a vehicle to
22 offer money or another item of value to a solicitor who is in
23 violation of the provisions of this section.

24 E. A person who violates this section is guilty of
25 a petty misdemeanor and shall be sentenced pursuant to the

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1 provisions of Section 31-19-1 NMSA 1978.

2 SECTION 4. [NEW MATERIAL] AGGRESSIVE SOLICITATION.--

3 A. It is unlawful for a solicitor to:

4 (1) come closer than three feet to the person
5 solicited unless the person solicited indicates an intention to
6 make a donation, make a purchase or otherwise communicates with
7 the solicitor;

8 (2) block or otherwise impede the entrance to
9 any structure or vehicle;

10 (3) continue to solicit from or follow behind,
11 ahead or alongside a solicited person after the solicited
12 person has declined the solicitation by words or actions; or

13 (4) threaten a person by word or gesture or
14 direct abusive language at a solicited person.

15 B. A person who violates the provisions of this
16 section is guilty of a misdemeanor and shall be sentenced
17 pursuant to the provisions of Section 31-19-1 NMSA 1978.

18 SECTION 5. SEVERABILITY.--If any part or application of
19 the Unsafe Use of Public Roadways and Spaces Act is held
20 invalid, the remainder or its application to other situations
21 or persons shall not be affected.