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SENATE BILL

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

INTRODUCED BY

Craig W. Brandt

AN ACT

RELATING TO CRIMES AGAINST THE PUBLIC PEACE; INCREASING THE PENALTY OF MAKING A SHOOTING THREAT TO A FOURTH DEGREE FELONY; CREATING THE CRIME OF SWATTING; PRESCRIBING PENALTIES.

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

SECTION 1. Section 30-20-16 NMSA 1978 (being Laws 1975, Chapter 285, Section 1, as amended) is amended to read:

"30-20-16. BOMB SCARES [~~AND~~], SHOOTING THREATS AND SWATTING UNLAWFUL.--

A. Making a bomb scare consists of falsely and maliciously stating to another person that a bomb or other explosive has been placed in such a position that property or persons are likely to be injured or destroyed.

B. Making a shooting threat consists of intentionally communicating to another person an intent to

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1 bring a firearm to a property or use the firearm with the  
2 intent to:

3 (1) place a person or group of persons in fear  
4 of great bodily harm;

5 (2) prevent or interrupt the occupation or use  
6 of a public building; or

7 (3) cause a response to the threat by a law  
8 enforcement official or volunteer agency organized to deal with  
9 emergencies.

10 C. Swatting consists of knowingly making a false or  
11 misleading report of an ongoing emergency or threat of violence  
12 to a public safety agency or agency personnel or to a public  
13 safety answering point, with the intent to cause an immediate  
14 response from law enforcement and other first responders.

15 [~~E.~~] D. Whoever commits making a bomb scare is  
16 guilty of a fourth degree felony.

17 [~~D.~~] E. Whoever commits making a shooting threat is  
18 guilty of a [~~misdemeanor~~] fourth degree felony.

19 F. Whoever commits swatting is guilty of a fourth  
20 degree felony.

21 [~~E.~~] G. A court may order a person convicted for  
22 the offense of swatting or making a bomb scare or shooting  
23 threat to reimburse the victim of the offense for economic harm  
24 caused by that offense.

25 [~~F.~~] H. As used in this section, "economic harm"

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1 means all direct, incidental and consequential financial harm  
2 suffered by a victim of the offense of swatting or making a  
3 bomb scare or shooting threat. "Economic harm" includes:

4 (1) wages, salaries or other compensation lost  
5 as a result of the commission of the offense of swatting or  
6 making a bomb scare or shooting threat;

7 (2) the cost of all wages, salaries or other  
8 compensation paid to employees for time that those employees  
9 are prevented from working as a result of the commission of the  
10 offense of swatting or making a bomb scare or shooting threat;  
11 and

12 (3) overhead costs incurred for the period of  
13 time that a business is shut down as a result of the commission  
14 of the offense of swatting or making a bomb scare or shooting  
15 threat.

16 I. As used in this section:

17 (1) "public safety agency" means a public body  
18 that provides firefighting, law enforcement, ambulance, medical  
19 or other emergency services; and

20 (2) "public safety answering point" means a  
21 twenty-four-hour local jurisdiction communications facility  
22 that receives 911 calls."