

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 50

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO CRIME; PROVIDING THAT MULTIPLE VIOLATIONS OF
UNLAWFUL TAKING OF, EMBEZZLEMENT OF, FRAUDULENTLY OBTAINING OR
RECEIVING OR TRANSPORTING STOLEN VEHICLES OR MOTOR VEHICLES
APPLY TOWARD SENTENCING REGARDLESS OF WHICH SECTION OF LAW WAS
VIOLATED PREVIOUSLY; PROVIDING PENALTIES; DECLARING AN
EMERGENCY.

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

SECTION 1. Section 30-16D-1 NMSA 1978 (being Laws 1978,
Chapter 35, Section 91, as amended by Laws 2009, Chapter 253,
Section 1 and by Laws 2009, Chapter 261, Section 1) is amended
to read:

"30-16D-1. UNLAWFUL TAKING OF A VEHICLE OR MOTOR
VEHICLE.--

A. Unlawful taking of a vehicle or motor vehicle

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1 consists of a person taking any vehicle or motor vehicle as
2 defined by the Motor Vehicle Code intentionally and without
3 consent of the owner. [~~Whoever commits unlawful taking of a~~
4 ~~vehicle or motor vehicle is guilty of a:~~

5 ~~(1) fourth degree felony for a first offense;~~

6 ~~(2) third degree felony for a second offense;~~

7 and

8 ~~(3) second degree felony for a third or~~
9 ~~subsequent offense.]~~

10 B. The consent of the owner of the vehicle or motor
11 vehicle to its taking shall not in any case be presumed or
12 implied because of the owner's consent on a previous occasion
13 to the taking of the vehicle or motor vehicle by the same or a
14 different person.

15 C. Nothing in this section shall be construed to
16 prohibit the holder of a lien duly recorded with the motor
17 vehicle division of the taxation and revenue department from
18 taking possession of a vehicle to which possession the
19 lienholder is legally entitled under the provisions of the
20 instrument evidencing the lien. A holder of a duly recorded
21 lien who takes possession of a vehicle without the knowledge of
22 the owner of the vehicle shall immediately notify the local
23 police authority of the fact that the holder has taken
24 possession of the vehicle."

25 SECTION 2. Section 30-16D-2 NMSA 1978 (being Laws 2009,

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1 Chapter 253, Section 2 and Laws 2009, Chapter 261, Section 2)
2 is amended to read:

3 "30-16D-2. EMBEZZLEMENT OF A VEHICLE OR MOTOR VEHICLE.--
4 [~~A.~~] Embezzlement of a vehicle or motor vehicle consists of a
5 person embezzling or converting to the person's own use a
6 vehicle or motor vehicle as defined by the Motor Vehicle Code,
7 with which the person has been entrusted, with the fraudulent
8 intent to deprive the owner of the vehicle or motor vehicle.

9 [~~B. Whoever commits embezzlement of a vehicle or
10 motor vehicle is guilty of a:~~

11 ~~(1) fourth degree felony for a first offense;~~

12 ~~(2) third degree felony for a second offense;~~

13 and

14 ~~(3) second degree felony for a third or
15 subsequent offense.]"~~

16 SECTION 3. Section 30-16D-3 NMSA 1978 (being Laws 2009,
17 Chapter 253, Section 3 and Laws 2009, Chapter 261, Section 3)
18 is amended to read:

19 "30-16D-3. FRAUDULENTLY OBTAINING A VEHICLE OR MOTOR
20 VEHICLE.--~~[A.]~~ Fraudulently obtaining a vehicle or motor
21 vehicle consists of a person intentionally misappropriating or
22 taking a vehicle or motor vehicle as defined by the Motor
23 Vehicle Code that belongs to another person by means of
24 fraudulent conduct, practices or representations.

25 [~~B. Whoever commits fraudulently obtaining a~~

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1 ~~vehicle or motor vehicle is guilty of a:~~

2 ~~(1) fourth degree felony for a first offense;~~

3 ~~(2) third degree felony for a second offense;~~

4 and

5 ~~(3) second degree felony for a third or~~
6 ~~subsequent offense.]"~~

7 SECTION 4. Section 30-16D-4 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 92, as amended by Laws 2009, Chapter 253,
9 Section 4 and by Laws 2009, Chapter 261, Section 4) is amended
10 to read:

11 "30-16D-4. RECEIVING OR TRANSFERRING STOLEN VEHICLES OR
12 MOTOR VEHICLES.--~~[A.]~~ Receiving or transferring a stolen
13 vehicle or motor vehicle consists of a person who, with intent
14 to procure or pass title to a vehicle or motor vehicle as
15 defined by the Motor Vehicle Code that the person knows or has
16 reason to believe has been stolen or unlawfully taken, receives
17 or transfers possession of the vehicle or motor vehicle from or
18 to another or who has in the person's possession any vehicle
19 that the person knows or has reason to believe has been stolen
20 or unlawfully taken. This section shall not apply to an
21 officer of the law engaged at the time in the performance of
22 the officer's duty as an officer.

23 ~~[B. Whoever commits receiving or transferring a~~
24 ~~stolen vehicle or motor vehicle is guilty of a:~~

25 ~~(1) fourth degree felony for a first offense;~~

1 ~~(2) third degree felony for a second offense;~~
2 and
3 ~~(3) second degree felony for a third or~~
4 ~~subsequent offense.]"~~

5 SECTION 5. A new Section 30-16D-4.1 NMSA 1978 is enacted
6 to read:

7 "30-16D-4.1. [NEW MATERIAL] PENALTIES.--

8 A. A person who violates any of the provisions
9 described in Sections 30-16D-1 through 30-16D-4 NMSA 1978 is
10 guilty of a:

11 (1) fourth degree felony for a first offense;

12 (2) third degree felony for a second offense,
13 regardless of which provision was the first offense; and

14 (3) second degree felony for a third or
15 subsequent offense, regardless of which provision was the first
16 or second offense.

17 B. A defendant who violates multiple provisions
18 described in Sections 30-16D-1 through 30-16D-4 NMSA 1978 with
19 a single vehicle shall be determined to have committed a single
20 offense for purposes of this section.

21 C. Nothing in this section shall be construed to
22 prohibit the alteration of a basic sentence for a habitual
23 offender pursuant to Section 31-18-18 NMSA 1978."

24 SECTION 6. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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