

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 287

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

AN ACT

RELATING TO CRIME; AMENDING THE CRIME OF THE USE OF A TELEPHONE
TO TERRIFY, INTIMIDATE, THREATEN, HARASS, ANNOY OR OFFEND TO
INCLUDE ELECTRONIC COMMUNICATION.

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

SECTION 1. Section 30-20-12 NMSA 1978 (being Laws 1967,
Chapter 120, Section 2) is amended to read:

"30-20-12. USE OF ~~TELEPHONE~~ ELECTRONIC COMMUNICATION TO
TERRIFY, INTIMIDATE, THREATEN, HARASS, ANNOY OR OFFEND--
PENALTY.--

A. It ~~shall be~~ is unlawful for any person, with
intent to terrify, intimidate, threaten, harass, annoy or
offend, to ~~telephone~~ contact another by electronic
communication and use any obscene, lewd or profane language or
suggest any lewd, criminal or lascivious act or threaten to

.231363.2

underscored material = new
[bracketed material] = delete

1 inflict injury or physical harm to the person or property of
2 any person. It [~~shall~~] is also [~~be~~] unlawful for [~~any~~] a
3 person to attempt by [~~telephone~~] use of electronic
4 communication to extort money or other thing of value from any
5 other person, or to otherwise disturb by repeated anonymous
6 [~~telephone calls~~] electronic communication the peace, quiet or
7 right of privacy of any other person at the place where the
8 [~~telephone call or calls were~~] electronic communication was
9 received, or to maliciously make [~~a telephone call~~] an
10 electronic communication, whether or not conversation ensues,
11 with intent to annoy or disturb another, or to disrupt the
12 telecommunications of another.

13 B. The use of obscene, lewd or profane language or
14 the making of a threat or statement as set forth in Subsection
15 A of this section shall be prima facie evidence of intent to
16 terrify, intimidate, threaten, harass, annoy or offend.

17 C. Any offense committed by use of [~~a telephone~~] an
18 electronic communication as set forth in this section shall be
19 deemed to have been committed at either the place where the
20 [~~telephone call or calls~~] electronic communication originated
21 or at the place where the [~~telephone call or calls were~~]
22 electronic communication was received.

23 D. [~~Whosoever~~] Whoever violates this section is
24 guilty of a misdemeanor, unless such person has previously been
25 convicted of such offense or of an offense under the laws of

1 another state or of the United States [~~which~~] that would have
2 been an offense under this section if committed in this state,
3 in which case such person is guilty of a fourth degree felony.

4 E. As used in this section:

5 (1) "electronic communication" means:

- 6 (a) a wire line, cable, wireless or
7 cellular telephone call;
8 (b) a social media post;
9 (c) a text message; or
10 (d) an instant message or electronic
11 mail; and

12 (2) "social media" means a website or internet
13 medium that:

- 14 (a) permits a person to become a
15 registered user, establish an account or create a profile for
16 the purpose of allowing the person to create, share or view
17 user-generated content through users' accounts or profiles;
18 (b) enables one or more than one user to
19 generate content that can be viewed by other users of the
20 medium; and
21 (c) primarily serves as a medium for
22 users to interact with content generated by other users of the
23 medium."