

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 70

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

AN ACT

RELATING TO CRIME; AMENDING THE RACKETEERING ACT; ADDING
CERTAIN CRIMES TO THE DEFINITION OF "RACKETEERING"; CREATING
CRIMES; PRESCRIBING PENALTIES.

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

SECTION 1. Section 30-42-1 NMSA 1978 (being Laws 1980,
Chapter 40, Section 1) is amended to read:

"30-42-1. SHORT TITLE.--~~[This act]~~ Chapter 30, Article 42
NMSA 1978 may be cited as the "Racketeering Act"."

SECTION 2. Section 30-42-3 NMSA 1978 (being Laws 1980,
Chapter 40, Section 3, as amended) is amended to read:

"30-42-3. DEFINITIONS.--As used in the Racketeering Act:

A. "racketeering" means any act that is chargeable
or indictable under the laws of New Mexico and punishable by
imprisonment for more than one year, involving any of the

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underscored material = new
[bracketed material] = delete

1 following cited offenses:

2 (1) murder, as provided in Section 30-2-1 NMSA
3 1978;

4 (2) robbery, as provided in Section 30-16-2
5 NMSA 1978;

6 (3) kidnapping, as provided in Section 30-4-1
7 NMSA 1978;

8 (4) forgery, as provided in Section 30-16-10
9 NMSA 1978;

10 (5) larceny, as provided in Section 30-16-1
11 NMSA 1978;

12 (6) fraud, as provided in Section 30-16-6 NMSA
13 1978;

14 (7) embezzlement, as provided in Section
15 30-16-8 NMSA 1978;

16 (8) receiving stolen property, as provided in
17 Section 30-16-11 NMSA 1978;

18 (9) bribery, as provided in Sections 30-24-1
19 through 30-24-3.1 NMSA 1978;

20 (10) gambling, as provided in Sections
21 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;

22 (11) illegal kickbacks, as provided in
23 Sections 30-41-1 and 30-41-2 NMSA 1978;

24 (12) extortion, as provided in Section 30-16-9
25 NMSA 1978;

.231455.1

1 (13) trafficking in controlled substances, as
2 provided in Section 30-31-20 NMSA 1978;

3 (14) arson and aggravated arson, as provided
4 in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA
5 1978;

6 (15) promoting prostitution, as provided in
7 Section 30-9-4 NMSA 1978;

8 (16) criminal solicitation, as provided in
9 Section 30-28-3 NMSA 1978;

10 (17) fraudulent securities practices, as
11 provided in the New Mexico Uniform Securities Act;

12 (18) loan sharking, as provided in Sections
13 30-43-1 through 30-43-5 NMSA 1978;

14 (19) distribution of controlled substances or
15 controlled substance analogues, as provided in Sections
16 30-31-21 and 30-31-22 NMSA 1978;

17 (20) ~~[a violation of the provisions of]~~ money
18 laundering, as provided in Section 30-51-4 NMSA 1978;

19 (21) unlawful taking of a vehicle or motor
20 vehicle, as provided in Section 30-16D-1 NMSA 1978;

21 (22) embezzlement of a vehicle or motor
22 vehicle, as provided in Section 30-16D-2 NMSA 1978;

23 (23) fraudulently obtaining a vehicle or motor
24 vehicle, as provided in Section 30-16D-3 NMSA 1978;

25 (24) receiving or transferring stolen vehicles

.231455.1

1 or motor vehicles, as provided in Section 30-16D-4 NMSA 1978;

2 (25) altering or changing the serial number,
3 engine number, decal or other numbers or marks of a vehicle or
4 motor vehicle, as provided in Section 30-16D-6 NMSA 1978; [~~and~~]

5 (26) trafficking cannabis products, as
6 provided in Section 26-2C-28 NMSA 1978;

7 (27) sexual exploitation of children, as
8 provided in Sections 30-6A-3 and 30-6A-4 NMSA 1978;

9 (28) criminal sexual penetration, as provided
10 in Section 30-9-11 NMSA 1978;

11 (29) criminal sexual contact, as provided in
12 Sections 30-9-12 and 30-9-13 NMSA 1978;

13 (30) dog fighting and cockfighting, as
14 provided in Section 30-18-9 NMSA 1978;

15 (31) escape from jail, as provided in Section
16 30-22-8 NMSA 1978;

17 (32) escape from penitentiary, as provided in
18 Section 30-22-9 NMSA 1978;

19 (33) assisting escape, as provided in Section
20 30-22-11 NMSA 1978;

21 (34) bringing contraband into places of
22 imprisonment, as provided in Section 30-22-14 NMSA 1978;

23 (35) tampering with public records, as
24 provided in Section 30-26-1 NMSA 1978;

25 (36) impersonating a peace officer, as

1 provided in Section 30-27-2.1 NMSA 1978; and

2 (37) human trafficking, as provided in Section
 3 30-52-1 NMSA 1978;

4 B. "person" means an individual or entity capable
 5 of holding a legal or beneficial interest in property;

6 C. "enterprise" means a sole proprietorship,
 7 partnership, corporation, business, labor union, association or
 8 other legal entity or a group of ~~individuals~~ persons
 9 associated in fact although not a legal entity, and includes
 10 illicit as well as licit entities; and

11 D. "pattern of racketeering activity" means
 12 engaging in at least two incidents of racketeering with the
 13 intent of accomplishing any of the prohibited activities set
 14 forth in Subsections A through ~~D~~ F of Section 30-42-4 NMSA
 15 1978; provided at least one of the incidents occurred after
 16 February 28, 1980 and the last incident occurred within five
 17 years after the commission of a prior incident of
 18 racketeering."

19 **SECTION 3.** Section 30-42-4 NMSA 1978 (being Laws 1980,
 20 Chapter 40, Section 4, as amended) is amended to read:

21 "30-42-4. PROHIBITED ACTIVITIES--PENALTIES.--

22 A. It is unlawful for a person who has received
 23 proceeds derived, directly or indirectly, from a pattern of
 24 racketeering activity in which the person has participated, to
 25 use or invest, directly or indirectly, any part of the proceeds

.231455.1

1 or the proceeds derived from the investment or use in the
2 acquisition of an interest in, or the establishment or
3 operation of, an enterprise. [~~Whoever~~] A person who violates
4 this subsection is guilty of a second degree felony.

5 B. It is unlawful for a person to engage in a
6 pattern of racketeering activity in order to acquire or
7 maintain, directly or indirectly, an interest in or control of
8 an enterprise. [~~Whoever~~] A person who violates this subsection
9 is guilty of a second degree felony.

10 C. It is unlawful for a person employed by or
11 associated with an enterprise to conduct or participate,
12 directly or indirectly, in the conduct of the enterprise's
13 affairs by engaging in a pattern of racketeering activity.
14 [~~Whoever~~] A person who violates this subsection is guilty of a
15 second degree felony.

16 D. It is unlawful for a person to solicit or coerce
17 another person, including a minor, into becoming or continuing
18 as a member of an enterprise or participating in the
19 racketeering activity of an enterprise. A person who violates
20 this subsection is guilty of a third degree felony.

21 E. It is unlawful for a person who is in a
22 leadership position within an enterprise to knowingly finance,
23 supervise or conspire to commit, through the direction of
24 members of the enterprise, racketeering activity. A person who
25 violates the provisions of this subsection is guilty of a first

1 degree felony.

2 ~~[D.]~~ F. It is unlawful for a person to conspire to
3 violate the provisions of Subsections A through ~~[G]~~ E of this
4 section. ~~[Whoever]~~ A person who violates this subsection is
5 guilty of a third degree felony.

6 ~~[E. — Whoever]~~ G. A person who is convicted of a
7 violation of Subsection A, B, C, ~~[or]~~ D, E or F of this section
8 in addition to the prescribed penalties shall forfeit to the
9 state of New Mexico:

10 (1) any interest acquired or maintained in
11 violation of the Racketeering Act; and

12 (2) any interest in, security of, claim
13 against or property or contractual right of any kind affording
14 a source of influence over an enterprise that the person has
15 established, operated, controlled, conducted or participated in
16 the conduct of in violation of the Racketeering Act.

17 ~~[F.]~~ H. The provisions of the Forfeiture Act apply
18 to the seizure, forfeiture and disposal of property described
19 in Subsection ~~[E]~~ G of this section."