

AN ACT

RELATING TO CRIMINAL SENTENCING; ENACTING THE SENTENCING STANDARDS ACT; PROVIDING STANDARDS FOR THE IMPOSITION OF CRIMINAL SANCTIONS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Sentencing Standards Act".

Section 2. PURPOSE OF ACT.--The purpose of the Sentencing Standards Act is to:

A. establish rational and consistent sentencing standards that reduce disparity in the imposition of sanctions by providing principles for judges to use in determining appropriate criminal sanctions;

B. encourage the use of the severe sanction of imprisonment only when necessary to ensure public safety or provide an appropriate level of punishment; and

C. make better use of the finite resources of the state.

Section 3. DEFINITIONS.--As used in the Sentencing Standards Act:

A. "correctional facility" means a state correctional facility, an out-of-state correctional facility, a federal correctional facility or a correctional facility

operated by a private company pursuant to a contract with the corrections department;

B. "no presumption" means there is no presumption regarding a sentence for a person convicted of a criminal offense because the criminal offense may be committed in a variety of ways. The sentencing court shall decide whether the offender receives a sentence that includes a term of imprisonment in a correctional facility or a sentence that includes alternatives to a term of imprisonment in a correctional facility;

C. "presumptive non-prison" means that a person convicted of a criminal offense shall ordinarily receive a sentence that does not include a term of imprisonment in a correctional facility. Instead, the offender shall ordinarily receive a sentence that consists of alternatives to imprisonment in a correctional facility, including probation, a term of imprisonment in a jail, fines, day fines or other alternatives to imprisonment in a correctional facility;

D. "presumptive penalties and fines" means that a person convicted of a criminal offense shall ordinarily receive a sentence that is limited to monetary penalties and fines; and

E. "presumptive prison" means that a person convicted of a criminal offense shall ordinarily receive a

sentence that includes a term of imprisonment in a correctional facility.

Section 4. CRIMINAL OFFENSES--PRESUMPTIVE SENTENCES--
DEPARTURE FROM A PRESUMPTIVE SENTENCE.--

A. When a person is convicted for committing one of the following criminal offenses, the presumptive sentence shall be as follows:

(1) murder in the first degree, as provided in Paragraph (1) of Subsection A of Section 30-2-1 NMSA 1978, presumptive prison;

(2) attempt to commit murder in the first degree, as provided in Paragraph (1) of Subsection A of Section 30-2-1 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive prison;

(3) conspiracy to commit murder in the first degree, as provided in Paragraph (1) of Subsection A of Section 30-2-1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive prison;

(4) solicitation to commit murder in the first degree, as provided in Paragraph (1) of Subsection A of Section 30-2-1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive prison;

(5) murder in the first degree, as provided in Paragraph (2) of Subsection A of Section 30-2-1 NMSA 1978, presumptive prison;

(6) murder in the first degree, as provided in Paragraph (3) of Subsection A of Section 30-2-1 NMSA 1978, presumptive prison;

(7) murder in the second degree, as provided in Subsection B of Section 30-2-1 NMSA 1978, presumptive prison;

(8) attempt to commit murder in the second degree, as provided in Subsection B of Section 30-2-1 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive prison;

(9) conspiracy to commit murder in the second degree, as provided in Subsection B of Section 30-2-1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive prison;

(10) solicitation to commit murder in the second degree, as provided in Subsection B of Section 30-2-1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive prison;

(11) voluntary manslaughter, as provided in Subsection A of Section 30-2-3 NMSA 1978, no presumption;

(12) attempt to commit voluntary manslaughter, as provided in Subsection A of Section 30-2-3 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(13) conspiracy to commit voluntary manslaughter, as provided in Subsection A of Section 30-2-3 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(14) solicitation to commit voluntary manslaughter, as provided in Subsection A of Section 30-2-3

NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(15) involuntary manslaughter, as provided in Subsection B of Section 30-2-3 NMSA 1978, no presumption;

(16) conspiracy to commit involuntary manslaughter, as provided in Subsection B of Section 30-2-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(17) solicitation to commit involuntary manslaughter, as provided in Subsection A of Section 30-2-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(18) aggravated assault, as provided in Subsection A of Section 30-3-2 NMSA 1978, no presumption;

(19) conspiracy to commit aggravated assault, as provided in Subsection A of Section 30-3-2 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(20) solicitation to commit aggravated assault, as provided in Subsection A of Section 30-3-2 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(21) aggravated assault, as provided in Subsection B of Section 30-3-2 NMSA 1978, no presumption;

(22) conspiracy to commit aggravated assault, as provided in Subsection B of Section 30-3-2 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(23) solicitation to commit aggravated

assault, as provided in Subsection B of Section 30-3-2 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(24) aggravated assault, as provided in Subsection C of Section 30-3-2 NMSA 1978, no presumption;

(25) conspiracy to commit aggravated assault, as provided in Subsection C of Section 30-3-2 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(26) solicitation to commit aggravated assault, as provided in Subsection C of Section 30-3-2 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(27) assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978, presumptive prison;

(28) aggravated battery inflicting great bodily harm, as provided in Subsection C of Section 30-3-5 NMSA 1978, presumptive prison;

(29) aggravated battery with a deadly weapon, as provided in Subsection C of Section 30-3-5 NMSA 1978, presumptive prison;

(30) aggravated battery whereby great bodily harm or death can be inflicted, as provided in Subsection C of Section 30-3-5 NMSA 1978, no presumption;

(31) conspiracy to commit aggravated battery, as provided in Subsection C of Section 30-3-5 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(32) solicitation to commit aggravated battery, as provided in Subsection C of Section 30-3-5 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(33) injury to a pregnant woman, as provided in Section 30-3-7 NMSA 1978, no presumption;

(34) attempt to commit injury to a pregnant woman, as provided in Sections 30-3-7 and 30-28-1 NMSA 1978, presumptive non-prison;

(35) conspiracy to commit injury to a pregnant woman, as provided in Sections 30-3-7 and 30-28-2 NMSA 1978, presumptive non-prison;

(36) solicitation to commit injury to a pregnant woman, as provided in Sections 30-3-7 and 30-28-3 NMSA 1978, presumptive non-prison;

(37) shooting at a dwelling or occupied building, as provided in Subsection A of Section 30-3-8 NMSA 1978, presumptive prison;

(38) conspiracy to commit shooting at a dwelling or occupied building, as provided in Subsection A of Section 30-3-8 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(39) solicitation to commit shooting at a dwelling or occupied building, as provided in Subsection A of Section 30-3-8 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(40) shooting at or from a motor vehicle not resulting in great bodily harm, as provided in Subsection B of Section 30-3-8 NMSA 1978, no presumption;

(41) shooting at or from a motor vehicle resulting in injury, as provided in Subsection B of Section 30-3-8 NMSA 1978, presumptive prison;

(42) shooting at or from a motor vehicle resulting in great bodily harm, as provided in Subsection B of Section 30-3-8 NMSA 1978, presumptive prison;

(43) conspiracy to commit shooting at or from a motor vehicle, as provided in Subsection B of Section 30-3-8 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(44) solicitation to commit shooting at or from a motor vehicle, as provided in Subsection B of Section 30-3-8 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(45) aggravated assault upon a school employee, as provided in Paragraph (1) of Subsection C of Section 30-3-9 NMSA 1978, no presumption;

(46) attempt to commit aggravated assault upon a school employee, as provided in Paragraph (1) of Subsection C of Section 30-3-9 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(47) conspiracy to commit aggravated assault

upon a school employee, as provided in Paragraph (1) of Subsection C of Section 30-3-9 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(48) solicitation to commit aggravated assault upon a school employee, as provided in Paragraph (1) of Subsection C of Section 30-3-9 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(49) aggravated assault upon a school employee, as provided in Paragraph (2) of Subsection C of Section 30-3-9 NMSA 1978, no presumption;

(50) aggravated assault upon a school employee, as provided in Paragraph (3) of Subsection C of Section 30-3-9 NMSA 1978, presumptive prison;

(51) assault with intent to commit a violent felony on a school employee, as provided in Subsection D of Section 30-3-9 NMSA 1978, presumptive prison;

(52) battery upon a school employee, as provided in Subsection E of Section 30-3-9 NMSA 1978, presumptive non-prison;

(53) conspiracy to commit battery upon a school employee, as provided in Subsection E of Section 30-3-9 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(54) solicitation to commit battery upon a school employee, as provided in Subsection E of Section 30-3-

9 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(55) aggravated battery upon a school employee inflicting injury, as provided in Subsection F of Section 30-3-9 NMSA 1978, no presumption;

(56) aggravated battery upon a school employee inflicting great bodily harm, as provided in Subsection F of Section 30-3-9 NMSA 1978, presumptive prison;

(57) aggravated battery upon a school employee with a deadly weapon, as provided in Subsection F of Section 30-3-9 NMSA 1978, presumptive prison;

(58) aggravated battery upon a school employee whereby great bodily harm or death can be inflicted, as provided in Subsection F of Section 30-3-9 NMSA 1978, no presumption;

(59) conspiracy to commit aggravated battery upon a school employee, as provided in Subsection F of Section 30-3-9 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(60) solicitation to commit aggravated battery upon a school employee, as provided in Subsection F of Section 30-3-9 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(61) assisting to commit a battery upon a school employee, as provided in Subsection G of Section 30-3-

9 NMSA 1978, no presumption;

(62) aggravated assault against a household member, as provided in Paragraph (1) of Subsection A of Section 30-3-13 NMSA 1978, no presumption;

(63) conspiracy to commit aggravated assault against a household member, as provided in Paragraph (1) of Subsection A of Section 30-3-13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(64) solicitation to commit aggravated assault against a household member, as provided in Paragraph (1) of Subsection A of Section 30-3-13 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(65) aggravated assault against a household member, as provided in Paragraph (2) of Subsection A of Section 30-3-13 NMSA 1978, no presumption;

(66) conspiracy to commit aggravated assault against a household member, as provided in Paragraph (2) of Subsection A of Section 30-3-13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(67) solicitation to commit aggravated assault against a household member, as provided in Paragraph (2) of Subsection A of Section 30-3-13 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(68) assault against a household member with intent to commit a violent felony, as provided in Section

30-3-14 NMSA 1978, no presumption;

(69) aggravated battery against a household member inflicting great bodily harm, as provided in Subsection C of Section 30-3-16 NMSA 1978, presumptive prison;

(70) aggravated battery against a household member with a deadly weapon, as provided in Subsection C of Section 30-3-16 NMSA 1978, presumptive prison;

(71) aggravated battery against a household member whereby great bodily harm or death can be inflicted, as provided in Subsection C of Section 30-3-16 NMSA 1978, no presumption;

(72) conspiracy to commit aggravated battery against a household member, as provided in Subsection C of Section 30-3-16 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(73) solicitation to commit aggravated battery against a household member, as provided in Subsection C of Section 30-3-16 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(74) stalking, second or subsequent conviction, as provided in Subsection C of Section 30-3A-3 NMSA 1978, no presumption;

(75) kidnapping, as provided in Subsection B of Section 30-4-1 NMSA 1978, presumptive prison;

(76) attempt to commit kidnapping, as provided in Subsection B of Section 30-4-1 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive prison;

(77) conspiracy to commit kidnapping, as provided in Subsection B of Section 30-4-1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive prison;

(78) solicitation to commit kidnapping, as provided in Subsection B of Section 30-4-1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive prison;

(79) criminal use of ransom, as provided in Section 30-4-2 NMSA 1978, no presumption;

(80) attempt to commit criminal use of ransom, as provided in Sections 30-4-2 and 30-28-1 NMSA 1978, presumptive non-prison;

(81) conspiracy to commit criminal use of ransom, as provided in Sections 30-4-2 and 30-28-2 NMSA 1978, presumptive non-prison;

(82) solicitation to commit criminal use of ransom, as provided in Sections 30-4-2 and 30-28-3 NMSA 1978, presumptive non-prison;

(83) false imprisonment, as provided in Section 30-4-3 NMSA 1978, no presumption;

(84) conspiracy to commit false imprisonment, as provided in Sections 30-4-3 and 30-28-2 NMSA 1978, presumptive non-prison;

(85) solicitation to commit false imprisonment, as provided in Sections 30-4-3 and 30-28-3 NMSA 1978, presumptive non-prison;

(86) custodial interference, as provided in Subsection B of Section 30-4-4 NMSA 1978, presumptive non-prison;

(87) conspiracy to commit custodial interference, as provided in Subsection B of Section 30-4-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(88) solicitation to commit custodial interference, as provided in Subsection B of Section 30-4-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(89) unlawful interference with custody, as provided in Subsection C of Section 30-4-4 NMSA 1978, presumptive non-prison;

(90) conspiracy to commit unlawful interference with custody, as provided in Subsection C of Section 30-4-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(91) solicitation to commit unlawful interference with custody, as provided in Subsection C of Section 30-4-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(92) abandonment of a child resulting in death or great bodily harm, as provided in Subsection B of Section 30-6-1 NMSA 1978, no presumption;

(93) abuse of a child, as provided in Subsection C of Section 30-6-1 NMSA 1978, no presumption;

(94) attempt to commit abuse of a child, as provided in Subsection C of Section 30-6-1 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(95) conspiracy to commit abuse of a child, as provided in Subsection C of Section 30-6-1 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(96) solicitation to commit abuse of a child, as provided in Subsection C of Section 30-6-1 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(97) abandonment of dependent, as provided in Section 30-6-2 NMSA 1978, presumptive non-prison;

(98) conspiracy to commit abandonment of dependent, as provided in Sections 30-6-2 and 30-28-2 NMSA 1978, presumptive non-prison;

(99) solicitation to commit abandonment of dependent, as provided in Sections 30-6-2 and 30-28-3 NMSA 1978, presumptive non-prison;

(100) contributing to delinquency of a minor, as provided in Section 30-6-3 NMSA 1978, presumptive non-prison;

(101) conspiracy to commit contributing to delinquency of a minor, as provided in Sections 30-6-3 and 30-28-2 NMSA 1978, presumptive non-prison;

(102) solicitation to commit contributing to delinquency of a minor, as provided in Sections 30-6-3 and 30-28-3 NMSA 1978, presumptive non-prison;

(103) sexual exploitation of children, as provided in Subsection A of Section 30-6A-3 NMSA 1978, no presumption;

(104) conspiracy to commit sexual exploitation of children, as provided in Subsection A of Section 30-6A-3 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(105) solicitation to commit sexual exploitation of children, as provided in Subsection A of Section 30-6A-3 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(106) sexual exploitation of children, as provided in Subsection B of Section 30-6A-3 NMSA 1978, presumptive prison;

(107) attempt to commit sexual exploitation of children, as provided in Subsection B of Section 30-6A-3 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(108) conspiracy to commit sexual exploitation of children, as provided in Subsection B of

Section 30-6A-3 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(109) solicitation to commit sexual exploitation of children, as provided in Subsection B of Section 30-6A-3 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(110) sexual exploitation of children, as provided in Subsection C of Section 30-6A-3 NMSA 1978, presumptive prison;

(111) attempt to commit sexual exploitation of children, as provided in Subsection C of Section 30-6A-3 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(112) conspiracy to commit sexual exploitation of children, as provided in Subsection C of Section 30-6A-3 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(113) solicitation to commit sexual exploitation of children, as provided in Subsection C of Section 30-6A-3 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(114) sexual exploitation of children by prostitution, as provided in Section 30-6A-4 NMSA 1978, presumptive prison;

(115) attempt to commit sexual exploitation of children by prostitution, as provided in Sections 30-6A-4

and 30-28-1 NMSA 1978, no presumption;

(116) conspiracy to commit sexual exploitation of children by prostitution, as provided in Sections 30-6A-4 and 30-28-2 NMSA 1978, no presumption;

(117) solicitation to commit sexual exploitation of children by prostitution, as provided in Sections 30-6A-4 and 30-28-3 NMSA 1978, no presumption;

(118) unlawful carrying of a deadly weapon on school premises, as provided in Section 30-7-2.1 NMSA 1978, no presumption;

(119) conspiracy to commit unlawful carrying of a deadly weapon on school premises, as provided in Sections 30-7-2.1 and 30-28-2 NMSA 1978, presumptive non-prison;

(120) solicitation to commit unlawful carrying of a deadly weapon on school premises, as provided in Sections 30-7-2.1 and 30-28-3 NMSA 1978, presumptive non-prison;

(121) unlawful carrying of a firearm in licensed liquor establishments, as provided in Section 30-7-3 NMSA 1978, presumptive non-prison;

(122) conspiracy to commit unlawful carrying of a firearm in licensed liquor establishments, as provided in Sections 30-7-3 and 30-28-2 NMSA 1978, presumptive non-prison;

(123) solicitation to commit unlawful carrying of a firearm in licensed liquor establishments, as provided in Sections 30-7-3 and 30-28-3 NMSA 1978, presumptive non-prison;

(124) dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978, no presumption;

(125) attempt to commit dangerous use of explosives, as provided in Sections 30-7-5 and 30-28-1 NMSA 1978, no presumption;

(126) conspiracy to commit dangerous use of explosives, as provided in Sections 30-7-5 and 30-28-2 NMSA 1978, no presumption;

(127) solicitation to commit dangerous use of explosives, as provided in Sections 30-7-5 and 30-28-3 NMSA 1978, no presumption;

(128) unlawful sale, possession or transportation of explosives, as provided in Subsection B of Section 30-7-7 NMSA 1978, no presumption;

(129) conspiracy to commit unlawful sale, possession or transportation of explosives, as provided in Subsection B of Section 30-7-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(130) solicitation to commit unlawful sale, possession or transportation of explosives, as provided in Subsection B of Section 30-7-7 NMSA 1978 and Section 30-28-3

NMSA 1978, presumptive non-prison;

(131) seizing or exercising control of a bus by force or violence or by threat of force or violence, as provided in Subsection A of Section 30-7-12 NMSA 1978, presumptive prison;

(132) attempt to commit seizing or exercising control of a bus by force or violence or by threat of force or violence, as provided in Subsection A of Section 30-7-12 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(133) conspiracy to commit seizing or exercising control of a bus by force or violence or by threat of force or violence, as provided in Subsection A of Section 30-7-12 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(134) solicitation to commit seizing or exercising control of a bus by force or violence or by threat of force or violence, as provided in Subsection A of Section 30-7-12 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(135) intimidating, threatening or assaulting any driver, attendant, guard or passenger of a bus with the intent of seizing or exercising control of a bus, as provided in Subsection B of Section 30-7-12 NMSA 1978, no presumption;

(136) conspiracy to commit intimidating, threatening or assaulting any driver, attendant, guard or passenger of a bus with the intent of seizing or exercising control of a bus, as provided in Subsection B of Section 30-7-12 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(137) solicitation to commit intimidating, threatening or assaulting any driver, attendant, guard or passenger of a bus with the intent of seizing or exercising control of a bus, as provided in Subsection B of Section 30-7-12 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(138) receipt, transportation or possession of a firearm or destructive device by a felon, as provided in Section 30-7-16 NMSA 1978, no presumption;

(139) conspiracy to commit receipt, transportation or possession of a firearm or destructive device by a felon, as provided in Sections 30-7-16 and 30-28-2 NMSA 1978, presumptive non-prison;

(140) solicitation to commit receipt, transportation or possession of a firearm or destructive device by a felon, as provided in Sections 30-7-16 and 30-28-3 NMSA 1978, presumptive non-prison;

(141) possession of explosives, as provided in Section 30-7-19 NMSA 1978, no presumption;

(142) conspiracy to commit possession of explosives, as provided in Sections 30-7-19 and 30-28-2 NMSA 1978, no presumption;

(143) solicitation to commit possession of explosives, as provided in Sections 30-7-19 and 30-28-3 NMSA 1978, no presumption;

(144) possession of explosive device or incendiary device, as provided in Section 30-7-19.1 NMSA 1978, presumptive non-prison;

(145) conspiracy to commit possession of explosive device or incendiary device, as provided in Sections 30-7-19.1 and 30-28-2 NMSA 1978, presumptive non-prison;

(146) solicitation to commit possession of explosive device or incendiary device, as provided in Sections 30-7-19.1 and 30-28-3 NMSA 1978, presumptive non-prison;

(147) giving, mailing, sending or placing a false or facsimile bomb or explosive, as provided in Section 30-7-20 NMSA 1978, presumptive non-prison;

(148) conspiracy to commit giving, mailing, sending or placing a false or facsimile bomb or explosive, as provided in Sections 30-7-20 and 30-28-2 NMSA 1978, presumptive non-prison;

(149) solicitation to commit giving,

mailing, sending or placing a false or facsimile bomb or explosive, as provided in Sections 30-7-20 and 30-28-3 NMSA 1978, presumptive non-prison;

(150) false report concerning a fire or explosion or placement of explosives causing death or great bodily harm, as provided in Section 30-7-21 NMSA 1978, no presumption;

(151) promoting prostitution, as provided in Section 30-9-4 NMSA 1978, presumptive penalties and fines;

(152) conspiracy to commit promoting prostitution, as provided in Sections 30-9-4 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(153) solicitation to commit promoting prostitution, as provided in Sections 30-9-4 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(154) accepting the earnings of a prostitute, as provided in Section 30-9-4.1 NMSA 1978, presumptive penalties and fines;

(155) conspiracy to commit accepting the earnings of a prostitute, as provided in Sections 30-9-4.1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(156) solicitation to commit accepting the earnings of a prostitute, as provided in Sections 30-9-4.1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(157) criminal sexual penetration in the

first degree, as provided in Subsection C of Section 30-9-11 NMSA 1978, presumptive prison;

(158) attempt to commit criminal sexual penetration in the first degree, as provided in Subsection C of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive prison;

(159) conspiracy to commit criminal sexual penetration in the first degree, as provided in Subsection C of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive prison;

(160) solicitation to commit criminal sexual penetration in the first degree, as provided in Subsection C of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive prison;

(161) criminal sexual penetration in the second degree, as provided in Paragraph (1) of Subsection D of Section 30-9-11 NMSA 1978, presumptive prison;

(162) attempt to commit criminal sexual penetration in the second degree, as provided in Paragraph (1) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(163) conspiracy to commit criminal sexual penetration in the second degree, as provided in Paragraph (1) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(164) solicitation to commit criminal sexual penetration in the second degree, as provided in Paragraph (1) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(165) criminal sexual penetration in the second degree, as provided in Paragraph (2) of Subsection D of Section 30-9-11 NMSA 1978, no presumption;

(166) attempt to commit criminal sexual penetration in the second degree, as provided in Paragraph (2) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(167) conspiracy to commit criminal sexual penetration in the second degree, as provided in Paragraph (2) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(168) solicitation to commit criminal sexual penetration in the second degree, as provided in Paragraph (2) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(169) criminal sexual penetration in the second degree, as provided in Paragraph (3) of Subsection D of Section 30-9-11 NMSA 1978, presumptive prison;

(170) attempt to commit criminal sexual penetration in the second degree, as provided in Paragraph (3) of Subsection D of Section 30-9-11 NMSA 1978 and Section

30-28-1 NMSA 1978, no presumption;

(171) conspiracy to commit criminal sexual penetration in the second degree, as provided in Paragraph (3) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(172) solicitation to commit criminal sexual penetration in the second degree, as provided in Paragraph (3) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(173) criminal sexual penetration in the second degree, as provided in Paragraph (4) of Subsection D of Section 30-9-11 NMSA 1978, presumptive prison;

(174) attempt to commit criminal sexual penetration in the second degree, as provided in Paragraph (4) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(175) conspiracy to commit criminal sexual penetration in the second degree, as provided in Paragraph (4) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(176) solicitation to commit criminal sexual penetration in the second degree, as provided in Paragraph (4) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(177) criminal sexual penetration in the

second degree, as provided in Paragraph (5) of Subsection D of Section 30-9-11 NMSA 1978, presumptive prison;

(178) attempt to commit criminal sexual penetration in the second degree, as provided in Paragraph (5) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(179) conspiracy to commit criminal sexual penetration in the second degree, as provided in Paragraph (5) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(180) solicitation to commit criminal sexual penetration in the second degree, as provided in Paragraph (5) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(181) criminal sexual penetration in the second degree, as provided in Paragraph (6) of Subsection D of Section 30-9-11 NMSA 1978, presumptive prison;

(182) attempt to commit criminal sexual penetration in the second degree, as provided in Paragraph (6) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(183) conspiracy to commit criminal sexual penetration in the second degree, as provided in Paragraph (6) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(184) solicitation to commit criminal sexual penetration in the second degree, as provided in Paragraph (6) of Subsection D of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(185) criminal sexual penetration in the third degree, as provided in Subsection E of Section 30-9-11 NMSA 1978, no presumption;

(186) attempt to commit criminal sexual penetration in the third degree, as provided in Subsection E of Section 30-9-11 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(187) conspiracy to commit criminal sexual penetration in the third degree, as provided in Subsection E of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(188) solicitation to commit criminal sexual penetration in the third degree, as provided in Subsection E of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(189) criminal sexual penetration in the fourth degree, as provided in Subsection F of Section 30-9-11 NMSA 1978, no presumption;

(190) conspiracy to commit criminal sexual penetration in the fourth degree, as provided in Subsection F of Section 30-9-11 NMSA 1978 and Section 30-28-2 NMSA 1978,

presumptive non-prison;

(191) solicitation to commit criminal sexual penetration in the fourth degree, as provided in Subsection F of Section 30-9-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(192) criminal sexual contact in the fourth degree, as provided in Paragraph (1) of Subsection C of Section 30-9-12 NMSA 1978, presumptive prison;

(193) conspiracy to commit criminal sexual contact in the fourth degree, as provided in Paragraph (1) of Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(194) solicitation to commit criminal sexual contact in the fourth degree, as provided in Paragraph (1) of Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(195) criminal sexual contact in the fourth degree, as provided in Paragraph (2) of Subsection C of Section 30-9-12 NMSA 1978, no presumption;

(196) conspiracy to commit criminal sexual contact in the fourth degree, as provided in Paragraph (2) of Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(197) solicitation to commit criminal sexual contact in the fourth degree, as provided in Paragraph (2) of

Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(198) criminal sexual contact in the fourth degree, as provided in Paragraph (3) of Subsection C of Section 30-9-12 NMSA 1978, presumptive prison;

(199) conspiracy to commit criminal sexual contact in the fourth degree, as provided in Paragraph (3) of Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(200) solicitation to commit criminal sexual contact in the fourth degree, as provided in Paragraph (3) of Subsection C of Section 30-9-12 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(201) criminal sexual contact of a minor in the third degree, as provided in Subsection A of Section 30-9-13 NMSA 1978, presumptive prison;

(202) attempt to commit criminal sexual contact of a minor in the third degree, as provided in Subsection A of Section 30-9-13 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(203) conspiracy to commit criminal sexual contact of a minor in the third degree, as provided in Subsection A of Section 30-9-13 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(204) solicitation to commit criminal sexual

contact of a minor in the third degree, as provided in Subsection A of Section 30-9-13 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(205) criminal sexual contact of a minor in the fourth degree, as provided in Subsection B of Section 30-9-13 NMSA 1978, no presumption;

(206) conspiracy to commit criminal sexual contact of a minor in the fourth degree, as provided in Subsection B of Section 30-9-13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(207) solicitation to commit criminal sexual contact of a minor in the fourth degree, as provided in Subsection B of Section 30-9-13 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(208) aggravated indecent exposure, as provided in Section 30-9-14.3 NMSA 1978, no presumption;

(209) bigamy, as provided in Section 30-10-1 NMSA 1978, presumptive penalties and fines;

(210) conspiracy to commit bigamy, as provided in Sections 30-10-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(211) solicitation to commit bigamy, as provided in Sections 30-10-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(212) incest, as provided in Section 30-10-3

NMSA 1978, no presumption;

(213) attempt to commit incest, as provided in Sections 30-10-3 and 30-28-1 NMSA 1978, no presumption;

(214) conspiracy to commit incest, as provided in Sections 30-10-3 and 30-28-2 NMSA 1978, no presumption;

(215) solicitation to commit incest, as provided in Sections 30-10-3 and 30-28-3 NMSA 1978, presumptive non-prison;

(216) disturbing a marked burial ground, as provided in Section 30-12-12 NMSA 1978, presumptive penalties and fines;

(217) breaking and entering, as provided in Section 30-14-8 NMSA 1978, presumptive non-prison;

(218) conspiracy to commit breaking and entering, as provided in Sections 30-14-8 and 30-28-2 NMSA 1978, presumptive non-prison;

(219) solicitation to commit breaking and entering, as provided in Sections 30-14-8 and 30-28-3 NMSA 1978, presumptive non-prison;

(220) criminal damage to property when the damage to the property amounts to more than one thousand dollars (\$1,000), as provided in Section 30-15-1 NMSA 1978, presumptive non-prison;

(221) conspiracy to commit criminal damage

to property when the damage to the property amounts to more than one thousand dollars (\$1,000), as provided in Sections 30-15-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(222) solicitation to commit criminal damage to property when the damage to the property amounts to more than one thousand dollars (\$1,000), as provided in Sections 30-15-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(223) unauthorized graffiti on personal or real property, as provided in Subsection C of Section 30-15-1.1 NMSA 1978, presumptive non-prison;

(224) conspiracy to commit unauthorized graffiti on personal or real property, as provided in Subsection C of Section 30-15-1.1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(225) solicitation to commit unauthorized graffiti on personal or real property, as provided in Subsection C of Section 30-15-1.1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(226) damaging insured property, as provided in Section 30-15-3 NMSA 1978, presumptive non-prison;

(227) conspiracy to commit damaging insured property, as provided in Sections 30-15-3 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(228) solicitation to commit damaging insured property, as provided in Sections 30-15-3 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(229) desecration of a church when the damage to the church amounts to more than one thousand dollars (\$1,000), as provided in Section 30-15-4 NMSA 1978, presumptive non-prison;

(230) conspiracy to commit desecration of a church when the damage to the church amounts to more than one thousand dollars (\$1,000), as provided in Sections 30-15-4 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(231) solicitation to commit desecration of a church when the damage to the church amounts to more than one thousand dollars (\$1,000), as provided in Sections 30-15-4 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(232) larceny when the value of the property stolen is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Section 30-16-1 NMSA 1978, presumptive non-prison;

(233) conspiracy to commit larceny when the value of the property stolen is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(234) solicitation to commit larceny when

the value of the property stolen is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(235) larceny when the value of the property stolen is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Section 30-16-1 NMSA 1978, presumptive non-prison;

(236) attempt to commit larceny when the value of the property stolen is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-1 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(237) conspiracy to commit larceny when the value of the property stolen is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(238) solicitation to commit larceny when the value of the property stolen is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(239) larceny when the value of the property stolen is over twenty thousand dollars (\$20,000), as provided

in Section 30-16-1 NMSA 1978, no presumption;

(240) attempt to commit larceny when the value of the property stolen is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-1 and 30-28-1 NMSA 1978, presumptive non-prison;

(241) conspiracy to commit larceny when the value of the property stolen is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-1 and 30-28-2 NMSA 1978, presumptive non-prison;

(242) solicitation to commit larceny when the value of the property stolen is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-1 and 30-28-3 NMSA 1978, presumptive non-prison;

(243) larceny when the property of value stolen is livestock, as provided in Section 30-16-1 NMSA 1978, presumptive non-prison;

(244) attempt to commit larceny when the property of value stolen is livestock, as provided in Sections 30-16-1 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(245) conspiracy to commit larceny when the property of value stolen is livestock, as provided in Sections 30-16-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(246) solicitation to commit larceny when

the property of value stolen is livestock, as provided in Sections 30-16-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(247) larceny when the property of value stolen is a firearm when its value is less than two thousand five hundred dollars (\$2,500), as provided in Section 30-16-1 NMSA 1978, presumptive non-prison;

(248) conspiracy to commit larceny when the property of value stolen is a firearm when its value is less than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(249) solicitation to commit larceny when the property of value stolen is a firearm when its value is less than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(250) robbery, as provided in Section 30-16-2 NMSA 1978, presumptive prison;

(251) attempt to commit robbery, as provided in Sections 30-16-2 and 30-28-1 NMSA 1978, no presumption;

(252) conspiracy to commit robbery, as provided in Sections 30-16-2 and 30-28-2 NMSA 1978, no presumption;

(253) solicitation to commit robbery, as

provided in Sections 30-16-2 and 30-28-3 NMSA 1978, no presumption;

(254) robbery while armed with a deadly weapon, first offense, as provided in Section 30-16-2 NMSA 1978, presumptive prison;

(255) attempt to commit robbery while armed with a deadly weapon, first offense, as provided in Sections 30-16-2 and 30-28-1 NMSA 1978, no presumption;

(256) conspiracy to commit robbery while armed with a deadly weapon, first offense, as provided in Sections 30-16-2 and 30-28-2 NMSA 1978, no presumption;

(257) solicitation to commit robbery while armed with a deadly weapon, first offense, as provided in Sections 30-16-2 and 30-28-3 NMSA 1978, no presumption;

(258) robbery while armed with a deadly weapon, second offense, as provided in Section 30-16-2 NMSA 1978, presumptive prison;

(259) attempt to commit robbery while armed with a deadly weapon, second offense, as provided in Sections 30-16-2 and 30-28-1 NMSA 1978, presumptive prison;

(260) conspiracy to commit robbery while armed with a deadly weapon, second offense, as provided in Sections 30-16-2 and 30-28-2 NMSA 1978, presumptive prison;

(261) solicitation to commit robbery while armed with a deadly weapon, second offense, as provided in

Sections 30-16-2 and 30-28-3 NMSA 1978, presumptive prison;

(262) burglary, as provided in Subsection A of Section 30-16-3 NMSA 1978, no presumption;

(263) attempt to commit burglary, as provided in Subsection A of Section 30-16-3 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(264) conspiracy to commit burglary, as provided in Subsection A of Section 30-16-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(265) solicitation to commit burglary, as provided in Subsection A of Section 30-16-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(266) burglary, as provided in Subsection B of Section 30-16-3 NMSA 1978, presumptive non-prison;

(267) conspiracy to commit burglary, as provided in Subsection B of Section 30-16-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(268) solicitation to commit burglary, as provided in Subsection B of Section 30-16-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(269) aggravated burglary, as provided in Subsection A of Section 30-16-4 NMSA 1978, no presumption;

(270) attempt to commit aggravated burglary, as provided in Subsection A of Section 30-16-4 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(271) conspiracy to commit aggravated burglary, as provided in Subsection A of Section 30-16-4 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(272) solicitation to commit aggravated burglary, as provided in Subsection A of Section 30-16-4 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(273) aggravated burglary, as provided in Subsection B of Section 30-16-4 NMSA 1978, no presumption;

(274) attempt to commit aggravated burglary, as provided in Subsection B of Section 30-16-4 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(275) conspiracy to commit aggravated burglary, as provided in Subsection B of Section 30-16-4 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(276) solicitation to commit aggravated burglary, as provided in Subsection B of Section 30-16-4 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(277) aggravated burglary, as provided in Subsection C of Section 30-16-4 NMSA 1978, presumptive prison;

(278) attempt to commit aggravated burglary, as provided in Subsection C of Section 30-16-4 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(279) conspiracy to commit aggravated burglary, as provided in Subsection C of Section 30-16-4 NMSA

1978 and Section 30-28-2 NMSA 1978, no presumption;

(280) solicitation to commit aggravated burglary, as provided in Subsection C of Section 30-16-4 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(281) possession of burglary tools, as provided in Section 30-16-5 NMSA 1978, presumptive penalties and fines;

(282) conspiracy to commit possession of burglary tools, as provided in Sections 30-16-5 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(283) solicitation to commit possession of burglary tools, as provided in Sections 30-16-5 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(284) fraud when the value of the property stolen is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Section 30-16-6 NMSA 1978, presumptive non-prison;

(285) conspiracy to commit fraud when the value of the property misappropriated is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-6 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(286) solicitation to commit fraud when the value of the property misappropriated is over two hundred fifty dollars (\$250) but not more than two thousand five

hundred dollars (\$2,500), as provided in Sections 30-16-6 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(287) fraud when the property of value misappropriated is a firearm, as provided in Section 30-16-6 NMSA 1978, presumptive non-prison;

(288) conspiracy to commit fraud when the property of value misappropriated is a firearm, as provided in Sections 30-16-6 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(289) solicitation to commit fraud when the property of value misappropriated is a firearm, as provided in Sections 30-16-6 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(290) fraud when the value of the property misappropriated is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Section 30-16-6 NMSA 1978, presumptive non-prison;

(291) attempt to commit fraud when the value of the property misappropriated is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(292) conspiracy to commit fraud when the value of the property misappropriated is over two thousand

five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(293) solicitation to commit fraud when the value of the property misappropriated is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(294) fraud when the value of the property misappropriated is over twenty thousand dollars (\$20,000), as provided in Section 30-16-6 NMSA 1978, no presumption;

(295) attempt to commit fraud when the value of the property misappropriated is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-1 NMSA 1978, presumptive non-prison;

(296) conspiracy to commit fraud when the value of the property misappropriated is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-2 NMSA 1978, presumptive non-prison;

(297) solicitation to commit fraud when the value of the property misappropriated is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-6 and 30-28-3 NMSA 1978, presumptive non-prison;

(298) unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or

WIC checks involved is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Section 30-16-7 NMSA 1978, presumptive penalties and fines;

(299) conspiracy to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-7 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(300) solicitation to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-7 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(301) unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Section 30-16-7 NMSA 1978, presumptive non-prison;

(302) attempt to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two thousand five

hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(303) conspiracy to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(304) solicitation to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(305) unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over twenty thousand dollars (\$20,000), as provided in Section 30-16-7 NMSA 1978, no presumption;

(306) attempt to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-

1 NMSA 1978, presumptive non-prison;

(307) conspiracy to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-

2 NMSA 1978, presumptive non-prison;

(308) solicitation to commit unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-7 and 30-28-3 NMSA 1978, presumptive non-prison;

(309) embezzlement when the value of the thing embezzled or converted is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Section 30-16-8 NMSA 1978, presumptive non-prison;

(310) conspiracy to commit embezzlement when the value of the thing embezzled or converted is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Sections 30-16-8 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(311) solicitation to commit embezzlement when the value of the thing embezzled or converted is over two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in

Sections 30-16-8 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(312) embezzlement when the value of the thing embezzled or converted is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Section 30-16-8 NMSA 1978, presumptive non-prison;

(313) attempt to commit embezzlement when the value of the thing embezzled or converted is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-8 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(314) conspiracy to commit embezzlement when the value of the thing embezzled or converted is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-8 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(315) solicitation to commit embezzlement when the value of the thing embezzled or converted is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-8 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(316) embezzlement when the value of the thing embezzled or converted is over twenty thousand dollars (\$20,000), as provided in Section 30-16-8 NMSA 1978, no presumption;

(317) attempt to commit embezzlement when the value of the thing embezzled or converted is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-8 and 30-28-1 NMSA 1978, presumptive non-prison;

(318) conspiracy to commit embezzlement when the value of the thing embezzled or converted is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-8 and 30-28-2 NMSA 1978, presumptive non-prison;

(319) solicitation to commit embezzlement when the value of the thing embezzled or converted is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-8 and 30-28-3 NMSA 1978, presumptive non-prison;

(320) extortion, as provided in Section 30-16-9 NMSA 1978, presumptive non-prison;

(321) attempt to commit extortion, as provided in Sections 30-16-9 and 30-28-1 NMSA 1978, presumptive non-prison;

(322) conspiracy to commit extortion, as provided in Sections 30-16-9 and 30-28-2 NMSA 1978, presumptive non-prison;

(323) solicitation to commit extortion, as

provided in Sections 30-16-9 and 30-28-3 NMSA 1978,
presumptive non-prison;

(324) forgery, as provided in Section
30-16-10 NMSA 1978, presumptive non-prison;

(325) attempt to commit forgery, as provided
in Sections 30-16-10 and 30-28-1 NMSA 1978, presumptive
penalties and fines;

(326) conspiracy to commit forgery, as
provided in Sections 30-16-10 and 30-28-2 NMSA 1978,
presumptive penalties and fines;

(327) solicitation to commit forgery, as
provided in Sections 30-16-10 and 30-28-3 NMSA 1978,
presumptive penalties and fines;

(328) receiving stolen property, as provided
in Subsection F of Section 30-16-11 NMSA 1978, presumptive
non-prison;

(329) conspiracy to commit receiving stolen
property, as provided in Subsection F of Section 30-16-11
NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
penalties and fines;

(330) solicitation to commit receiving
stolen property, as provided in Subsection F of Section
30-16-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive
penalties and fines;

(331) receiving stolen property, as provided

in Subsection G of Section 30-16-11 NMSA 1978, presumptive non-prison;

(332) attempt to commit receiving stolen property, as provided in Subsection G of Section 30-16-11 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(333) conspiracy to commit receiving stolen property, as provided in Subsection G of Section 30-16-11 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(334) solicitation to commit receiving stolen property, as provided in Subsection G of Section 30-16-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(335) receiving stolen property, as provided in Subsection H of Section 30-16-11 NMSA 1978, no presumption;

(336) attempt to commit receiving stolen property, as provided in Subsection H of Section 30-16-11 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(337) conspiracy to commit receiving stolen property, as provided in Subsection H of Section 30-16-11 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(338) solicitation to commit receiving stolen property, as provided in Subsection H of Section 30-16-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(339) receiving stolen property, as provided in Subsection I of Section 30-16-11 NMSA 1978, presumptive non-prison;

(340) conspiracy to commit receiving stolen property, as provided in Subsection I of Section 30-16-11 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(341) solicitation to commit receiving stolen property, as provided in Subsection I of Section 30-16-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(342) falsely obtaining services, as provided in Paragraph (3) of Subsection C of Section 30-16-16 NMSA 1978, presumptive non-prison;

(343) conspiracy to commit falsely obtaining services, as provided in Paragraph (3) of Subsection C of Section 30-16-16 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(344) solicitation to commit falsely obtaining services, as provided in Paragraph (3) of Subsection C of Section 30-16-16 NMSA 1978 and Section 30-28-

3 NMSA 1978, presumptive penalties and fines;

(345) falsely obtaining services, as provided in Paragraph (4) of Subsection C of Section 30-16-16 NMSA 1978, presumptive non-prison;

(346) attempt to commit falsely obtaining services, as provided in Paragraph (4) of Subsection C of Section 30-16-16 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(347) conspiracy to commit falsely obtaining services, as provided in Paragraph (4) of Subsection C of Section 30-16-16 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(348) solicitation to commit falsely obtaining services, as provided in Paragraph (4) of Subsection C of Section 30-16-16 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(349) falsely obtaining services, as provided in Paragraph (5) of Subsection C of Section 30-16-16 NMSA 1978, no presumption;

(350) attempt to commit falsely obtaining services, as provided in Paragraph (5) of Subsection C of Section 30-16-16 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(351) conspiracy to commit falsely obtaining services, as provided in Paragraph (5) of Subsection C of

Section 30-16-16 NMSA 1978 and Section 30-28-2 NMSA 1978,
presumptive non-prison;

(352) solicitation to commit falsely
obtaining services, as provided in Paragraph (5) of
Subsection C of Section 30-16-16 NMSA 1978 and Section 30-28-
3 NMSA 1978, presumptive non-prison;

(353) improper sale, disposal, removal or
concealing of encumbered property where the value of such
property is over two hundred fifty dollars (\$250) but not
more than two thousand five hundred dollars (\$2,500), as
provided in Section 30-16-18 NMSA 1978, presumptive non-
prison;

(354) conspiracy to commit improper sale,
disposal, removal or concealing of encumbered property where
the value of such property is over two hundred fifty dollars
(\$250) but not more than two thousand five hundred dollars
(\$2,500), as provided in Sections 30-16-18 and 30-28-2 NMSA
1978, presumptive penalties and fines;

(355) solicitation to commit improper sale,
disposal, removal or concealing of encumbered property where
the value of such property is over two hundred fifty dollars
(\$250) but not more than two thousand five hundred dollars
(\$2,500), as provided in Sections 30-16-18 and 30-28-3 NMSA
1978, presumptive penalties and fines;

(356) improper sale, disposal, removal or

concealing of encumbered property where the value of such property is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Section 30-16-18 NMSA 1978, presumptive non-prison;

(357) attempt to commit improper sale, disposal, removal or concealing of encumbered property where the value of such property is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-18 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(358) conspiracy to commit improper sale, disposal, removal or concealing of encumbered property where the value of such property is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(359) solicitation to commit improper sale, disposal, removal or concealing of encumbered property where the value of such property is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Sections 30-16-18 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(360) improper sale, disposal, removal or concealing of encumbered property where the value of such

property is over twenty thousand dollars (\$20,000), as provided in Section 30-16-18 NMSA 1978, no presumption;

(361) attempt to commit improper sale, disposal, removal or concealing of encumbered property where the value of such property is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-18 and 30-28-1 NMSA 1978, presumptive non-prison;

(362) conspiracy to commit improper sale, disposal, removal or concealing of encumbered property where the value of such property is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-18 and 30-28-2 NMSA 1978, presumptive non-prison;

(363) solicitation to commit improper sale, disposal, removal or concealing of encumbered property where the value of such property is over twenty thousand dollars (\$20,000), as provided in Sections 30-16-18 and 30-28-3 NMSA 1978, presumptive non-prison;

(364) shoplifting, as provided in Paragraph (3) of Subsection B of Section 30-16-20 NMSA 1978, presumptive non-prison;

(365) conspiracy to commit shoplifting, as provided in Paragraph (3) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(366) solicitation to commit shoplifting, as

provided in Paragraph (3) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(367) shoplifting, as provided in Paragraph (4) of Subsection B of Section 30-16-20 NMSA 1978, presumptive non-prison;

(368) attempt to commit shoplifting, as provided in Paragraph (4) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(369) conspiracy to commit falsely obtaining services, as provided in Paragraph (4) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(370) solicitation to commit shoplifting, as provided in Paragraph (4) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(371) falsely obtaining services, as provided in Paragraph (5) of Subsection B of Section 30-16-20 NMSA 1978, no presumption;

(372) attempt to commit shoplifting, as provided in Paragraph (5) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(373) conspiracy to commit shoplifting, as provided in Paragraph (5) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(374) solicitation to commit shoplifting, as provided in Paragraph (5) of Subsection B of Section 30-16-20 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(375) theft of a credit card by taking or retaining possession of card taken, as provided in Section 30-16-26 NMSA 1978, presumptive non-prison;

(376) conspiracy to commit theft of a credit card by taking or retaining possession of card taken, as provided in Sections 30-16-26 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(377) solicitation to commit theft of a credit card by taking or retaining possession of card taken, as provided in Sections 30-16-26 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(378) fraudulent transfer or receipt of a credit card, as provided in Section 30-16-28 NMSA 1978, presumptive non-prison;

(379) conspiracy to commit fraudulent transfer or receipt of a credit card, as provided in Sections 30-16-28 and 30-28-2 NMSA 1978, presumptive penalties and

finer;

(380) solicitation to commit fraudulent transfer or receipt of a credit card, as provided in Sections 30-16-28 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(381) dealing in credit cards of another, as provided in Section 30-16-30 NMSA 1978, presumptive non-prison;

(382) attempt to commit dealing in credit cards of another, as provided in Sections 30-16-30 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(383) conspiracy to commit dealing in credit cards of another, as provided in Sections 30-16-30 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(384) solicitation to commit dealing in credit cards of another, as provided in Sections 30-16-30 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(385) forgery of a credit card, as provided in Section 30-16-31 NMSA 1978, presumptive non-prison;

(386) conspiracy to commit forgery of a credit card, as provided in Sections 30-16-31 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(387) solicitation to commit forgery of a credit card, as provided in Sections 30-16-31 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(388) fraudulent signing of credit cards or sales slips or agreements, as provided in Section 30-16-32 NMSA 1978, presumptive non-prison;

(389) conspiracy to commit fraudulent signing of credit cards or sales slips or agreements, as provided in Sections 30-16-32 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(390) solicitation to commit fraudulent signing of credit cards or sales slips or agreements, as provided in Sections 30-16-32 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(391) fraudulent use of credit cards, as provided in Subsection A of Section 30-16-33 NMSA 1978, presumptive non-prison;

(392) conspiracy to commit fraudulent use of credit cards, as provided in Subsection A of Section 30-16-33 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(393) solicitation to commit fraudulent use of credit cards, as provided in Subsection A of Section 30-16-33 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(394) fraudulent use of credit cards, as provided in Subsection B of Section 30-16-33 NMSA 1978, presumptive non-prison;

(395) attempt to commit fraudulent use of credit cards, as provided in Subsection B of Section 30-16-33 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(396) conspiracy to commit fraudulent use of credit cards, as provided in Subsection B of Section 30-16-33 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(397) solicitation to commit fraudulent use of credit cards, as provided in Subsection B of Section 30-16-33 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(398) fraudulent acts by merchants or their employees, as provided in Subsection A of Section 30-16-34 NMSA 1978, presumptive non-prison;

(399) conspiracy to commit fraudulent acts by merchants or their employees, as provided in Subsection A of Section 30-16-34 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(400) solicitation to commit fraudulent acts by merchants or their employees, as provided in Subsection A of Section 30-16-34 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(401) fraudulent acts by merchants or their employees, as provided in Subsection B of Section 30-16-34

NMSA 1978, presumptive non-prison;

(402) attempt to commit fraudulent acts by merchants or their employees, as provided in Subsection B of Section 30-16-34 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(403) conspiracy to commit fraudulent acts by merchants or their employees, as provided in Subsection B of Section 30-16-34 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(404) solicitation to commit fraudulent acts by merchants or their employees, as provided in Subsection B of Section 30-16-34 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(405) possession of four or more incomplete credit cards, with intent to defraud, as provided in Subsection A of Section 30-16-35 NMSA 1978, presumptive non-prison;

(406) conspiracy to commit possession of four or more incomplete credit cards, with intent to defraud, as provided in Subsection A of Section 30-16-35 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(407) solicitation to commit possession of four or more incomplete credit cards, with intent to defraud, as provided in Subsection A of Section 30-16-35 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(408) possession of machinery, plates or other contrivance designed to reproduce instruments purporting to be credit cards, with intent to defraud, as provided in Subsection B of Section 30-16-35 NMSA 1978, presumptive non-prison;

(409) conspiracy to commit possession of machinery, plates or other contrivance designed to reproduce instruments purporting to be credit cards, with intent to defraud, as provided in Subsection B of Section 30-16-35 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(410) solicitation to commit possession of machinery, plates or other contrivance designed to reproduce instruments purporting to be credit cards, with intent to defraud, as provided in Subsection B of Section 30-16-35 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(411) receipt of property obtained in violation of Section 30-16-33 NMSA 1978, as provided in Subsection B of Section 30-16-36 NMSA 1978, presumptive non-prison;

(412) conspiracy to commit receipt of property obtained in violation of Section 30-16-33 NMSA 1978, as provided in Subsection B of Section 30-16-36 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(413) solicitation to commit receipt of property obtained in violation of Section 30-16-33 NMSA 1978, as provided in Subsection B of Section 30-16-36 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(414) receipt of property obtained in violation of Section 30-16-33 NMSA 1978, as provided in Subsection C of Section 30-16-36 NMSA 1978, presumptive non-prison;

(415) attempt to commit receipt of property obtained in violation of Section 30-16-33 NMSA 1978, as provided in Subsection C of Section 30-16-36 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(416) conspiracy to commit receipt of property obtained in violation of Section 30-16-33 NMSA 1978, as provided in Subsection C of Section 30-16-36 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(417) solicitation to commit receipt of property obtained in violation of Section 30-16-33 NMSA 1978, as provided in Subsection C of Section 30-16-36 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(418) obtaining fraudulently acquired transportation ticket at a discount, as provided in Section 30-16-37 NMSA 1978, presumptive penalties and fines;

(419) conspiracy to commit obtaining fraudulently acquired transportation ticket at a discount, as

provided in Sections 30-16-37 and 30-28-2 NMSA 1978,
presumptive penalties and fines;

(420) solicitation to commit obtaining
fraudulently acquired transportation ticket at a discount, as
provided in Sections 30-16-37 and 30-28-3 NMSA 1978,
presumptive penalties and fines;

(421) fraudulent acts to obtain or retain
possession of rented or leased vehicle or other personal
property, as provided in Subsection A of Section 30-16-39
NMSA 1978, presumptive penalties and fines;

(422) conspiracy to commit fraudulent acts
to obtain or retain possession of rented or leased vehicle or
other personal property, as provided in Subsection A of
Section 30-16-39 NMSA 1978 and Section 30-28-2 NMSA 1978,
presumptive penalties and fines;

(423) solicitation to commit fraudulent acts
to obtain or retain possession of rented or leased vehicle or
other personal property, as provided in Subsection A of
Section 30-16-39 NMSA 1978 and Section 30-28-3 NMSA 1978,
presumptive penalties and fines;

(424) fraudulent refusal to return a leased
vehicle or other personal property, as provided in Paragraph
(2) of Subsection A of Section 30-16-40 NMSA 1978,
presumptive penalties and fines;

(425) conspiracy to commit fraudulent

refusal to return a leased vehicle or other personal property, as provided in Paragraph (2) of Subsection A of Section

30-16-40 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(426) solicitation to commit fraudulent refusal to return a leased vehicle or other personal property, as provided in Paragraph (2) of Subsection A of Section

30-16-40 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(427) fraudulent refusal to return a leased vehicle or other personal property, as provided in Paragraph (3) of Subsection A of Section 30-16-40 NMSA 1978, presumptive penalties and fines;

(428) conspiracy to commit fraudulent refusal to return a leased vehicle or other personal property, as provided in Paragraph (3) of Subsection A of Section

30-16-40 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(429) solicitation to commit fraudulent refusal to return a leased vehicle or other personal property, as provided in Paragraph (3) of Subsection A of Section

30-16-40 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(430) fraudulent refusal to return a leased vehicle or other personal property, as provided in Paragraph (4) of Subsection A of Section 30-16-40 NMSA 1978, presumptive penalties and fines;

(431) conspiracy to commit fraudulent refusal to return a leased vehicle or other personal property, as provided in Paragraph (4) of Subsection A of Section 30-16-40 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(432) solicitation to commit fraudulent refusal to return a leased vehicle or other personal property, as provided in Paragraph (4) of Subsection A of Section

30-16-40 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(433) unauthorized recording, as provided in Paragraph (1) of Subsection B of Section 30-16B-3 NMSA 1978, presumptive penalties and fines;

(434) advertising, offering for sale or resale, selling, reselling, leasing or possessing for any of these purposes, any recording that the person knows does not contain the true name of the manufacturer in a prominent

place on the cover, jacket or label of the recording, as provided in Paragraph (1) of Subsection B of Section 30-16B-4 NMSA 1978, presumptive penalties and fines;

(435) unauthorized recording of live performances, as provided in Paragraph (1) of Subsection B of Section 30-16B-3 NMSA 1978, presumptive penalties and fines;

(436) arson, as provided in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978, presumptive non-prison;

(437) conspiracy to commit arson, as provided in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(438) solicitation to commit arson, as provided in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(439) arson, as provided in Paragraph (3) of Subsection A of Section 30-17-5 NMSA 1978, no presumption;

(440) attempt to commit arson, as provided in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(441) conspiracy to commit arson, as provided in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-

prison;

(442) solicitation to commit arson, as provided in Paragraph (2) of Subsection A of Section 30-17-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(443) negligent arson, as provided in Subsection B of Section 30-17-5 NMSA 1978, presumptive non-prison;

(444) conspiracy to commit negligent arson, as provided in Subsection B of Section 30-17-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(445) solicitation to commit negligent arson, as provided in Subsection B of Section 30-17-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(446) aggravated arson, as provided in Section 30-17-6 NMSA 1978, presumptive prison;

(447) attempt to commit aggravated arson, as provided in Sections 30-17-6 and 30-28-1 NMSA 1978, no presumption;

(448) conspiracy to commit aggravated arson, as provided in Sections 30-17-6 and 30-28-2 NMSA 1978, no presumption;

(449) solicitation to commit aggravated arson, as provided in Sections 30-17-6 and 30-28-3 NMSA 1978, no presumption;

(450) unlawful branding, as provided in Section 30-18-3 NMSA 1978, presumptive non-prison;

(451) conspiracy to commit unlawful branding, as provided in Sections 30-18-3 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(452) solicitation to commit unlawful branding, as provided in Sections 30-18-3 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(453) transporting stolen livestock, as provided in Section 30-18-6 NMSA 1978, presumptive non-prison;

(454) conspiracy to commit transporting stolen livestock, as provided in Sections 30-18-6 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(455) solicitation to commit transporting stolen livestock, as provided in Sections 30-18-6 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(456) dog fighting, as provided in Section 30-18-9 NMSA 1978, presumptive penalties and fines;

(457) conspiracy to commit dog fighting, as provided in Sections 30-18-9 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(458) solicitation to commit dog fighting, as provided in Sections 30-18-9 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(459) unlawful tripping of an equine, as provided in Subsection E of Section 30-18-11 NMSA 1978, presumptive penalties and fines;

(460) conspiracy to commit unlawful tripping of an equine, as provided in Subsection E of Section 30-18-11 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(461) solicitation to commit unlawful tripping of an equine, as provided in Subsection E of Section 30-18-11 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(462) commercial gambling, as provided in Section 30-19-3 NMSA 1978, presumptive penalties and fines;

(463) conspiracy to commit commercial gambling, as provided in Sections 30-19-3 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(464) solicitation to commit commercial gambling, as provided in Sections 30-19-3 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(465) bribery of participant in a contest, as provided in Section 30-19-13 NMSA 1978, presumptive penalties and fines;

(466) conspiracy to commit bribery of participant in a contest, as provided in Sections 30-19-13 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(467) solicitation to commit bribery of participant in a contest, as provided in Sections 30-19-13 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(468) accepting for profit anything of value to be transmitted or delivered for gambling, as provided in Section 30-19-15 NMSA 1978, presumptive penalties and fines;

(469) conspiracy to commit accepting for profit anything of value to be transmitted or delivered for gambling, as provided in Sections 30-19-15 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(470) solicitation to commit accepting for profit anything of value to be transmitted or delivered for gambling, as provided in Sections 30-19-15 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(471) failing, during a state of emergency, to comply with restrictions imposed by proclamation of the governor under the Riot Control Act upon conviction of a second or subsequent offense, as provided in Section 30-20-8 NMSA 1978, presumptive penalties and fines;

(472) conspiracy to commit failing, during a state of emergency, to comply with restrictions imposed by proclamation of the governor under the Riot Control Act upon conviction of a second or subsequent offense, as provided in Sections 30-20-8 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(473) solicitation to commit failing, during a state of emergency, to comply with restrictions imposed by proclamation of the governor under the Riot Control Act upon conviction of a second or subsequent offense, as provided in Sections 30-20-8 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(474) dueling, as provided in Section 30-20-11 NMSA 1978, presumptive non-prison;

(475) conspiracy to commit dueling, as provided in Sections 30-20-11 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(476) solicitation to commit dueling, as provided in Sections 30-20-11 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(477) use of telephone to terrify, intimidate, threaten, harass, annoy or offend, second or subsequent offense, as provided in Section 30-20-12 NMSA 1978, no presumption;

(478) conspiracy to commit use of telephone to terrify, intimidate, threaten, harass, annoy or offend, second or subsequent offense, as provided in Sections 30-20-12 and 30-28-2 NMSA 1978, presumptive non-prison;

(479) solicitation to commit use of telephone to terrify, intimidate, threaten, harass, annoy or offend, second or subsequent offense, as provided in Sections

30-20-12 and 30-28-3 NMSA 1978, presumptive non-prison;

(480) making a bomb scare, as provided in Section 30-20-16 NMSA 1978, presumptive penalties and fines;

(481) conspiracy to commit making a bomb scare, as provided in Sections 30-20-16 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(482) solicitation to commit making a bomb scare, as provided in Sections 30-20-16 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(483) antiterrorism, as provided in Section 30-20A-3 NMSA 1978, presumptive non-prison;

(484) sabotage, as provided in Section 30-21-1 NMSA 1978, presumptive prison;

(485) attempt to commit sabotage, as provided in Sections 30-21-1 and 30-28-1 NMSA 1978, no presumption;

(486) conspiracy to commit sabotage, as provided in Sections 30-21-1 and 30-28-2 NMSA 1978, no presumption;

(487) solicitation to commit sabotage, as provided in Sections 30-21-1 and 30-28-3 NMSA 1978, no presumption;

(488) harboring or aiding a felon, as provided in Section 30-22-4 NMSA 1978, no presumption;

(489) conspiracy to commit harboring or

aiding a felon, as provided in Sections 30-22-4 and 30-28-2 NMSA 1978, presumptive non-prison;

(490) solicitation to commit harboring or aiding a felon, as provided in Sections 30-22-4 and 30-28-3 NMSA 1978, presumptive non-prison;

(491) tampering with evidence, as provided in Section 30-22-5 NMSA 1978, presumptive non-prison;

(492) conspiracy to commit tampering with evidence, as provided in Sections 30-22-5 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(493) solicitation to commit tampering with evidence, as provided in Sections 30-22-5 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(494) unlawful rescue of a person charged with or convicted of a crime not constituting a capital felony, or who is charged with but not convicted of a capital felony, as provided in Section 30-22-7 NMSA 1978, presumptive prison;

(495) attempt to commit unlawful rescue of a person charged with or convicted of a crime not constituting a capital felony, or who is charged with but not convicted of a capital felony, as provided in Sections 30-22-7 and 30-28-1 NMSA 1978, no presumption;

(496) conspiracy to commit unlawful rescue of a person charged with or convicted of a crime not

constituting a capital felony, or who is charged with but not convicted of a capital felony, as provided in Sections 30-22-7 and 30-28-2 NMSA 1978, no presumption;

(497) solicitation to commit unlawful rescue of a person charged with or convicted of a crime not constituting a capital felony, or who is charged with but not convicted of a capital felony, as provided in Sections 30-22-7 and 30-28-3 NMSA 1978, no presumption;

(498) unlawful rescue of an individual convicted of a capital felony, as provided in Section 30-22-7 NMSA 1978, presumptive prison;

(499) attempt to commit unlawful rescue of an individual convicted of a capital felony, as provided in Sections 30-22-7 and 30-28-1 NMSA 1978, presumptive prison;

(500) conspiracy to commit unlawful rescue of an individual convicted of a capital felony, as provided in Sections 30-22-7 and 30-28-2 NMSA 1978, presumptive prison;

(501) solicitation to commit unlawful rescue of an individual convicted of a capital felony, as provided in Sections 30-22-7 and 30-28-3 NMSA 1978, presumptive prison;

(502) escape from jail, as provided in Section 30-22-8 NMSA 1978, no presumption;

(503) conspiracy to commit escape from jail, HB 225
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as provided in Sections 30-22-8 and 30-28-2 NMSA 1978,
presumptive non-prison;

(504) solicitation to commit escape from
jail, as provided in Sections 30-22-8 and 30-28-3 NMSA 1978,
presumptive non-prison;

(505) escape from penitentiary, as provided
in Section 30-22-9 NMSA 1978, presumptive prison;

(506) conspiracy to commit escape from
penitentiary, as provided in Sections 30-22-9 and 30-28-2
NMSA 1978, no presumption;

(507) solicitation to commit escape from
penitentiary, as provided in Sections 30-22-9 and 30-28-3
NMSA 1978, no presumption;

(508) escape from custody of a peace
officer, as provided in Section 30-22-10 NMSA 1978, no
presumption;

(509) conspiracy to commit escape from
custody of a peace officer, as provided in Sections 30-22-10
and 30-28-2 NMSA 1978, presumptive non-prison;

(510) solicitation to commit escape from
custody of a peace officer, as provided in Sections 30-22-10
and 30-28-3 NMSA 1978, presumptive non-prison;

(511) assisting escape, as provided in
Section 30-22-11 NMSA 1978, presumptive prison;

(512) attempt to commit assisting escape, as

provided in Sections 30-22-11 and 30-28-1 NMSA 1978, no presumption;

(513) conspiracy to commit assisting escape, as provided in Sections 30-22-11 and 30-28-2 NMSA 1978, no presumption;

(514) solicitation to commit assisting escape, as provided in Sections 30-22-11 and 30-28-3 NMSA 1978, no presumption;

(515) aggravated escape from the custody of the children, youth and families department, as provided in Section 30-22-11.2 NMSA 1978, presumptive non-prison;

(516) furnishing articles for prisoner's escape, as provided in Section 30-22-12 NMSA 1978, presumptive prison;

(517) attempt to commit furnishing articles for prisoner's escape, as provided in Sections 30-22-12 and 30-28-1 NMSA 1978, no presumption;

(518) conspiracy to commit furnishing articles for prisoner's escape, as provided in Sections 30-22-12 and 30-28-2 NMSA 1978, no presumption;

(519) solicitation to commit furnishing articles for prisoner's escape, as provided in Sections 30-22-12 and 30-28-3 NMSA 1978, no presumption;

(520) furnishing drugs or liquor to a prisoner, as provided in Section 30-22-13 NMSA 1978, no

presumption;

(521) conspiracy to commit furnishing drugs or liquor to a prisoner, as provided in Sections 30-22-13 and 30-28-2 NMSA 1978, presumptive non-prison;

(522) solicitation to commit furnishing drugs or liquor to a prisoner, as provided in Sections 30-22-13 and 30-28-3 NMSA 1978, presumptive non-prison;

(523) bringing contraband into a prison, as provided in Subsection A of Section 30-22-14 NMSA 1978, no presumption;

(524) attempt to commit bringing contraband into a prison, as provided in Subsection A of Section 30-22-14 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(525) conspiracy to commit bringing contraband into a prison, as provided in Subsection A of Section 30-22-14 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(526) solicitation to commit bringing contraband into a prison, as provided in Subsection A of Section 30-22-14 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(527) conspiracy to commit bringing contraband into a jail, as provided in Subsection B of Section 30-22-14 NMSA 1978, no presumption;

(528) conspiracy to commit bringing contraband into a jail, as provided in Subsection B of Section 30-22-14 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(529) solicitation to commit conspiracy to commit bringing contraband into a jail, as provided in Subsection B of Section 30-22-14 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(530) possession of deadly weapon or explosive by prisoner, as provided in Section 30-22-16 NMSA 1978, presumptive prison;

(531) attempt to commit possession of deadly weapon or explosive by prisoner, as provided in Sections 30-22-16 and 30-28-1 NMSA 1978, no presumption;

(532) conspiracy to commit possession of deadly weapon or explosive by prisoner, as provided in Sections 30-22-16 and 30-28-2 NMSA 1978, no presumption;

(533) solicitation to commit possession of deadly weapon or explosive by prisoner, as provided in Sections 30-22-16 and 30-28-3 NMSA 1978, no presumption;

(534) assault by prisoner, as provided in Section 30-22-17 NMSA 1978, presumptive prison;

(535) attempt to commit assault by prisoner, as provided in Sections 30-22-17 and 30-28-1 NMSA 1978, no presumption;

(536) conspiracy to commit assault by prisoner, as provided in Sections 30-22-17 and 30-28-2 NMSA 1978, no presumption;

(537) solicitation to commit assault by prisoner, as provided in Sections 30-22-17 and 30-28-3 NMSA 1978, no presumption;

(538) unlawful assault on any jail, as provided in Section 30-22-19 NMSA 1978, presumptive prison;

(539) attempt to commit unlawful assault on any jail, as provided in Sections 30-22-19 and 30-28-1 NMSA 1978, no presumption;

(540) conspiracy to commit unlawful assault on any jail, as provided in Sections 30-22-19 and 30-28-2 NMSA 1978, no presumption;

(541) solicitation to commit unlawful assault on any jail, as provided in Sections 30-22-19 and 30-28-3 NMSA 1978, no presumption;

(542) aggravated assault upon peace officer, as provided in Section 30-22-22 NMSA 1978, presumptive prison;

(543) attempt to commit aggravated assault upon peace officer, as provided in Sections 30-22-22 and 30-28-1 NMSA 1978, no presumption;

(544) conspiracy to commit aggravated assault upon peace officer, as provided in Sections 30-22-22

and 30-28-2 NMSA 1978, no presumption;

(545) solicitation to commit aggravated assault upon peace officer, as provided in Sections 30-22-22 and 30-28-3 NMSA 1978, no presumption;

(546) assault with intent to commit violent felony upon peace officer, as provided in Section 30-22-23 NMSA 1978, presumptive prison;

(547) battery upon a peace officer, as provided in Section 30-22-24 NMSA 1978, no presumption;

(548) conspiracy to commit battery upon a peace officer, as provided in Sections 30-22-24 and 30-28-2 NMSA 1978, presumptive non-prison;

(549) solicitation to commit battery upon a peace officer, as provided in Sections 30-22-24 and 30-28-3 NMSA 1978, presumptive non-prison;

(550) aggravated battery upon a peace officer, as provided in Subsection B of Section 30-22-25 NMSA 1978, no presumption;

(551) conspiracy to commit aggravated battery upon a peace officer, as provided in Subsection B of Section 30-22-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(552) solicitation to commit aggravated battery upon a peace officer, as provided in Subsection B of Section 30-22-25 NMSA 1978 and Section 30-28-3 NMSA 1978,

presumptive non-prison;

(553) aggravated battery upon a peace officer, inflicting great bodily harm, as provided in Subsection C of Section 30-22-25 NMSA 1978, presumptive prison;

(554) attempt to commit aggravated battery upon a peace officer, inflicting great bodily harm, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(555) conspiracy to commit aggravated battery upon a peace officer, inflicting great bodily harm, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(556) solicitation to commit aggravated battery upon a peace officer, inflicting great bodily harm, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(557) aggravated battery upon a peace officer, with a deadly weapon, as provided in Subsection C of Section 30-22-25 NMSA 1978, presumptive prison;

(558) attempt to commit aggravated battery upon a peace officer, with a deadly weapon, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(559) conspiracy to commit aggravated

battery upon a peace officer, with a deadly weapon, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(560) solicitation to commit aggravated battery upon a peace officer, with a deadly weapon, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(561) aggravated battery upon a peace officer whereby great bodily harm or death can be inflicted, as provided in Subsection C of Section 30-22-25 NMSA 1978, no presumption;

(562) attempt to commit aggravated battery upon a peace officer whereby great bodily harm or death can be inflicted, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(563) conspiracy to commit aggravated battery upon a peace officer whereby great bodily harm or death can be inflicted, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(564) solicitation to commit aggravated battery upon a peace officer whereby great bodily harm or death can be inflicted, as provided in Subsection C of Section 30-22-25 NMSA 1978 and Section 30-28-3 NMSA 1978,

presumptive non-prison;

(565) assisting in assault upon peace officer, as provided in Section 30-22-26 NMSA 1978, no presumption;

(566) conspiracy to commit assisting in assault upon peace officer, as provided in Sections 30-22-26 and 30-28-2 NMSA 1978, presumptive non-prison;

(567) solicitation to commit assisting in assault upon peace officer, as provided in Sections 30-22-26 and 30-28-3 NMSA 1978, presumptive non-prison;

(568) paying or receiving public money for services not rendered, as provided in Section 30-23-2 NMSA 1978, presumptive non-prison;

(569) conspiracy to commit paying or receiving public money for services not rendered, as provided in Sections 30-23-2 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(570) solicitation to commit paying or receiving public money for services not rendered, as provided in Sections 30-23-2 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(571) making or permitting false public voucher, as provided in Section 30-23-3 NMSA 1978, presumptive non-prison;

(572) conspiracy to commit making or

permitting false public voucher, as provided in Sections 30-23-3 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(573) solicitation to commit making or permitting false public voucher, as provided in Sections 30-23-3 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(574) unlawful interest in public contracts where the value received is more than fifty dollars (\$50.00), as provided in Section 30-23-6 NMSA 1978, presumptive non-prison;

(575) conspiracy to commit unlawful interest in public contracts where the value received is more than fifty dollars (\$50.00), as provided in Sections 30-23-6 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(576) solicitation to commit unlawful interest in public contracts where the value received is more than fifty dollars (\$50.00), as provided in Sections 30-23-6 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(577) bribery of public officer or public employee, as provided in Section 30-24-1 NMSA 1978, presumptive non-prison;

(578) attempt to commit bribery of public officer or public employee, as provided in Sections 30-24-1 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(579) conspiracy to commit bribery of public officer or public employee, as provided in Sections 30-24-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(580) solicitation to commit bribery of public officer or public employee, as provided in Sections 30-24-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(581) demanding or receiving bribe by public officer or public employee, as provided in Section 30-24-2 NMSA 1978, presumptive non-prison;

(582) attempt to commit demanding or receiving bribe by public officer or public employee, as provided in Sections 30-24-2 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(583) conspiracy to commit demanding or receiving bribe by public officer or public employee, as provided in Sections 30-24-2 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(584) solicitation to commit demanding or receiving bribe by public officer or public employee, as provided in Sections 30-24-2 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(585) bribery or intimidation of a witness, as provided in Subsection A of Section 30-24-3 NMSA 1978, presumptive non-prison;

(586) conspiracy to commit bribery or intimidation of a witness, as provided in Subsection A of Section 30-24-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(587) solicitation to commit bribery or intimidation of a witness, as provided in Subsection A of Section 30-24-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(588) retaliation against a witness, causing bodily injury, as provided in Subsection B of Section 30-24-3 NMSA 1978, no presumption;

(589) conspiracy to commit retaliation against a witness, causing bodily injury, as provided in Subsection B of Section 30-24-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(590) solicitation to commit retaliation against a witness, causing bodily injury, as provided in Subsection B of Section 30-24-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(591) retaliation against a witness, causing damage to the tangible property of another person, as provided in Subsection B of Section 30-24-3 NMSA 1978, presumptive non-prison;

(592) conspiracy to commit retaliation against a witness, causing damage to the tangible property of

another person, as provided in Subsection B of Section 30-24-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(593) solicitation to commit retaliation against a witness, causing damage to the tangible property of another person, as provided in Subsection B of Section 30-24-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(594) acceptance of a bribe by a witness, as provided in Section 30-24-3.1 NMSA 1978, presumptive non-prison;

(595) conspiracy to commit acceptance of a bribe by a witness, as provided in Sections 30-24-3.1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(596) solicitation to commit acceptance of a bribe by a witness, as provided in Sections 30-24-3.1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(597) perjury, as provided in Section 30-25-1 NMSA 1978, presumptive non-prison;

(598) conspiracy to commit perjury, as provided in Sections 30-25-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(599) solicitation to commit perjury, as provided in Sections 30-25-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(600) tampering with public records, as provided in Section 30-26-1 NMSA 1978, presumptive non-prison;

(601) conspiracy to commit tampering with public records, as provided in Sections 30-26-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(602) solicitation to commit tampering with public records, as provided in Sections 30-26-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(603) illegal possession of mercury, as provided in Section 30-30-1 NMSA 1978, presumptive penalties and fines;

(604) conspiracy to commit illegal possession of mercury, as provided in Sections 30-30-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(605) solicitation to commit illegal possession of mercury, as provided in Sections 30-30-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(606) unlawful prescription, administration or distribution of methadone, as provided in Section 30-31-7 NMSA 1978, presumptive penalties and fines;

(607) trafficking controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978, no presumption;

(608) attempt to commit trafficking controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(609) conspiracy to commit trafficking controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(610) solicitation to commit trafficking controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(611) trafficking controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978, no presumption;

(612) attempt to commit trafficking controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(613) conspiracy to commit trafficking

controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(614) solicitation to commit trafficking controlled substances, as provided in Paragraph (1) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(615) trafficking controlled substances, as provided in Paragraph (2) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978, no presumption;

(616) attempt to commit trafficking controlled substances, as provided in Paragraph (2) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(617) conspiracy to commit trafficking controlled substances, as provided in Paragraph (2) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(618) solicitation to commit trafficking controlled substances, as provided in Paragraph (2) of

Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(619) trafficking controlled substances, as provided in Paragraph (2) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978, no presumption;

(620) attempt to commit trafficking controlled substances, as provided in Paragraph (2) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(621) conspiracy to commit trafficking controlled substances, as provided in Paragraph (2) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(622) solicitation to commit trafficking controlled substances, as provided in Paragraph (2) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(623) trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978, no

presumption;

(624) attempt to commit trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(625) conspiracy to commit trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(626) solicitation to commit trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (1) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(627) trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978, no presumption;

(628) attempt to commit trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(629) conspiracy to commit trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(630) solicitation to commit trafficking controlled substances, as provided in Paragraph (3) of Subsection A and Paragraph (2) of Subsection B of Section 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(631) trafficking controlled substances in a drug-free school zone, as provided in Subsection C of Section 30-31-20 NMSA 1978, no presumption;

(632) attempt to commit trafficking controlled substances in a drug-free school zone, as provided in Subsection C of Section 30-31-20 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(633) conspiracy to commit trafficking controlled substances in a drug-free school zone, as provided in Subsection C of Section 30-31-20 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(634) solicitation to commit trafficking controlled substances in a drug-free school zone, as provided in Subsection C of Section 30-31-20 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(635) distribution of controlled substances to a minor, as provided in Paragraph (1) of Subsection A of Section 30-31-21 NMSA 1978, no presumption;

(636) conspiracy to commit distribution of controlled substances to a minor, as provided in Paragraph (1) of Subsection A of Section 30-31-21 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(637) solicitation to commit distribution of controlled substances to a minor, as provided in Paragraph (1) of Subsection A of Section 30-31-21 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(638) distribution of controlled substances to a minor, as provided in Paragraph (2) of Subsection A of Section 30-31-21 NMSA 1978, no presumption;

(639) attempt to commit distribution of controlled substances to a minor, as provided in Paragraph (2) of Subsection A of Section 30-31-21 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(640) conspiracy to commit distribution of controlled substances to a minor, as provided in Paragraph (2) of Subsection A of Section 30-31-21 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(641) solicitation to commit distribution of controlled substances to a minor, as provided in Paragraph (2) of Subsection A of Section 30-31-21 NMSA 1978 and Section

30-28-3 NMSA 1978, no presumption;

(642) distribution of controlled substances to a minor, as provided in Paragraph (1) of Subsection B of Section 30-31-21 NMSA 1978, no presumption;

(643) attempt to commit distribution of controlled substances to a minor, as provided in Paragraph (1) of Subsection B of Section 30-31-21 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(644) conspiracy to commit distribution of controlled substances to a minor, as provided in Paragraph (1) of Subsection B of Section 30-31-21 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(645) solicitation to commit distribution of controlled substances to a minor, as provided in Paragraph (1) of Subsection B of Section 30-31-21 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(646) distribution of controlled substances to a minor, as provided in Paragraph (2) of Subsection B of Section 30-31-21 NMSA 1978, presumptive prison;

(647) attempt to commit distribution of controlled substances to a minor, as provided in Paragraph (2) of Subsection B of Section 30-31-21 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(648) conspiracy to commit distribution of controlled substances to a minor, as provided in Paragraph

(2) of Subsection B of Section 30-31-21 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(649) solicitation to commit distribution of controlled substances to a minor, as provided in Paragraph (2) of Subsection B of Section 30-31-21 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(650) distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (a) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978, presumptive penalties and fines;

(651) conspiracy to commit distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (a) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(652) solicitation to commit distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (a) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(653) distribution of or possession with intent to distribute controlled or counterfeit substances, as provided in Subparagraph (b) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978, presumptive non-prison;

(654) conspiracy to commit distribution of

or possession with intent to distribute controlled substances, as provided in Subparagraph (b) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(655) solicitation to commit distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (b) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(656) distribution of controlled substances, as provided in Subparagraph (c) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978, no presumption;

(657) conspiracy to commit distribution of controlled substances, as provided in Subparagraph (c) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(658) solicitation to commit distribution of controlled substances, as provided in Subparagraph (c) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(659) possession with intent to distribute controlled substances, as provided in Subparagraph (c) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978, no presumption;

(660) attempt to commit possession with

intent to distribute controlled substances, as provided in Subparagraph (c) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(661) conspiracy to commit possession with intent to distribute controlled substances, as provided in Subparagraph (c) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(662) solicitation to commit possession with intent to distribute controlled substances, as provided in Subparagraph (c) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(663) distribution of controlled substances, as provided in Subparagraph (d) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978, no presumption;

(664) conspiracy to commit distribution of controlled substances, as provided in Subparagraph (d) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(665) solicitation to commit distribution of controlled substances, as provided in Subparagraph (d) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(666) possession with intent to distribute controlled substances, as provided in Subparagraph (d) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978, no presumption;

(667) attempt to commit possession with intent to distribute controlled substances, as provided in Subparagraph (d) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(668) conspiracy to commit possession with intent to distribute controlled substances, as provided in Subparagraph (d) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(669) solicitation to commit possession with intent to distribute controlled substances, as provided in Subparagraph (d) of Paragraph (1) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(670) distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (a) of Paragraph (2) of Subsection A of Section 30-31-22 NMSA 1978, no presumption;

(671) conspiracy to commit distribution of or possession with intent to distribute controlled

substances, as provided in Subparagraph (a) of Paragraph (2) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(672) solicitation to commit distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (a) of Paragraph (2) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(673) distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (b) of Paragraph (2) of Subsection A of Section 30-31-22 NMSA 1978, no presumption;

(674) conspiracy to commit distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (b) of Paragraph (2) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(675) solicitation to commit distribution of or possession with intent to distribute controlled substances, as provided in Subparagraph (b) of Paragraph (2) of Subsection A of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(676) distribution of or possession with intent to distribute a counterfeit substance, as provided in Paragraph (1) of Subsection B of Section 30-31-22 NMSA 1978,

presumptive non-prison;

(677) conspiracy to commit distribution of or possession with intent to distribute a counterfeit substance, as provided in Paragraph (1) of Subsection B of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(678) solicitation to commit distribution of or possession with intent to distribute a counterfeit substance, as provided in Paragraph (1) of Subsection B of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(679) distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

(680) conspiracy to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(681) solicitation to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA

1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(682) distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

(683) attempt to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(684) conspiracy to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(685) solicitation to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(686) distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (c) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978, no

presumption;

(687) attempt to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (c) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(688) conspiracy to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (c) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(689) solicitation to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (c) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(690) distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (d) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

(691) attempt to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (d) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978

and Section 30-28-1 NMSA 1978, no presumption;

(692) conspiracy to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (d) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(693) solicitation to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (d) of Paragraph (1) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(694) distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

(695) attempt to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(696) conspiracy to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA

1978 and Section 30-28-2 NMSA 1978, no presumption;

(697) solicitation to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, no presumption;

(698) distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978, presumptive prison;

(699) attempt to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, no presumption;

(700) conspiracy to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, no presumption;

(701) solicitation to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Subparagraph (b) of Paragraph (2) of Subsection C of Section 30-31-22 NMSA

1978 and Section 30-28-3 NMSA 1978, no presumption;

(702) distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Paragraph (3) of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

(703) conspiracy to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Paragraph (3) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(704) solicitation to commit distribution of or possession with intent to distribute controlled substances in a drug-free school zone, as provided in Paragraph (3) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(705) distribution of or possession with intent to distribute a counterfeit substance in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (4) of Subsection C of Section 30-31-22 NMSA 1978, no presumption;

(706) attempt to commit distribution of or possession with intent to distribute a counterfeit substance in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (4) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(707) conspiracy to commit distribution of or possession with intent to distribute a counterfeit substance in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (4) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(708) solicitation to commit distribution of or possession with intent to distribute a counterfeit substance in a drug-free school zone, as provided in Subparagraph (a) of Paragraph (4) of Subsection C of Section 30-31-22 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(709) possession of a controlled substance, as provided in Paragraph (3) of Subsection B of Section 30-31-23 NMSA 1978, presumptive penalties and fines;

(710) conspiracy to commit possession of a controlled substance, as provided in Paragraph (3) of Subsection B of Section 30-31-23 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(711) solicitation to commit possession of a controlled substance, as provided in Paragraph (3) of Subsection B of Section 30-31-23 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(712) possession of a controlled substance, as provided in Subsection D of Section 30-31-23 NMSA 1978,

presumptive penalties and fines;

(713) conspiracy to commit possession of a controlled substance, as provided in Subsection D of Section 30-31-23 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(714) solicitation to commit possession of a controlled substance, as provided in Subsection D of Section 30-31-23 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(715) violation of administrative provisions of the Controlled Substances Act, as provided in Section 30-31-24 NMSA 1978, presumptive penalties and fines;

(716) conspiracy to commit violation of administrative provisions of the Controlled Substances Act, as provided in Sections 30-31-24 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(717) solicitation to commit violation of administrative provisions of the Controlled Substances Act, as provided in Sections 30-31-24 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(718) prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (1) of Subsection A of Section 30-31-25 NMSA 1978, presumptive non-prison;

(719) conspiracy to commit prohibited acts

in violation of the Controlled Substances Act, as provided in Paragraph (1) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(720) solicitation to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (1) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(721) prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (2) of Subsection A of Section 30-31-25 NMSA 1978, presumptive penalties and fines;

(722) conspiracy to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (2) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(723) solicitation to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (2) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(724) prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (3) of

Subsection A of Section 30-31-25 NMSA 1978, presumptive penalties and fines;

(725) conspiracy to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (3) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(726) solicitation to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (3) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(727) prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (4) of Subsection A of Section 30-31-25 NMSA 1978, presumptive penalties and fines;

(728) conspiracy to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (4) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(729) solicitation to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (4) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and

fines;

(730) prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (5) of Subsection A of Section 30-31-25 NMSA 1978, presumptive penalties and fines;

(731) conspiracy to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (5) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(732) solicitation to commit prohibited acts in violation of the Controlled Substances Act, as provided in Paragraph (5) of Subsection A of Section 30-31-25 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(733) delivering drug paraphernalia to a person under eighteen years of age, as provided in Subsection D of Section 30-31-25.1 NMSA 1978, presumptive non-prison;

(734) conspiracy to commit delivering drug paraphernalia to a person under eighteen years of age, as provided in Subsection D of Section 30-31-25.1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(735) solicitation to commit delivering drug paraphernalia to a person under eighteen years of age, as provided in Subsection D of Section 30-31-25.1 NMSA 1978 and

Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(736) distribution or possession with intent to distribute of anabolic steroids, as provided in Subsection B of Section 30-31-41 NMSA 1978, presumptive non-prison;

(737) conspiracy to commit distribution or possession with intent to distribute of anabolic steroids, as provided in Subsection B of Section 30-31-41 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(738) solicitation to commit distribution or possession with intent to distribute of anabolic steroids, as provided in Subsection B of Section 30-31-41 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(739) distribution of anabolic steroids to a person under eighteen years of age by any person eighteen years of age or older, as provided in Subsection C of Section 30-31-41 NMSA 1978, no presumption;

(740) conspiracy to commit distribution of anabolic steroids to a person under eighteen years of age by any person eighteen years of age or older, as provided in Subsection C of Section 30-31-41 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(741) solicitation to commit distribution of anabolic steroids to a person under eighteen years of age by any person eighteen years of age or older, as provided in Subsection C of Section 30-31-41 NMSA 1978 and Section 30-28-

3 NMSA 1978, presumptive non-prison;

(742) manufacturing, distribution or possession with intent to distribute of an imitation controlled substance, as provided in Section 30-31A-4 NMSA 1978, presumptive non-prison;

(743) conspiracy to commit manufacturing, distribution or possession with intent to distribute of an imitation controlled substance, as provided in Sections 30-31A-4 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(744) solicitation to commit manufacturing, distribution or possession with intent to distribute of an imitation controlled substance, as provided in Sections 30-31A-4 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(745) selling an imitation controlled substance to a person under the age of eighteen years by any person who is eighteen years of age or older, as provided in Section 30-31A-5 NMSA 1978, no presumption;

(746) conspiracy to commit selling an imitation controlled substance to a person under the age of eighteen years by any person who is eighteen years of age or older, as provided in Sections 30-31A-5 and 30-28-2 NMSA 1978, presumptive non-prison;

(747) solicitation to commit selling an

imitation controlled substance to a person under the age of eighteen years by any person who is eighteen years of age or older, as provided in Sections 30-31A-5 and 30-28-3 NMSA 1978, presumptive non-prison;

(748) prohibited acts under the Drug Precursor Act, as provided in Paragraph (2) of Subsection B of Section 30-31B-12 NMSA 1978, presumptive penalties and fines;

(749) conspiracy to commit prohibited acts under the Drug Precursor Act, as provided in Paragraph (2) of Subsection B of Section 30-31B-12 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(750) solicitation to commit prohibited acts under the Drug Precursor Act, as provided in Paragraph (2) of Subsection B of Section 30-31B-12 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(751) prohibited acts under the Drug Precursor Act, as provided in Paragraph (3) of Subsection B of Section 30-31B-12 NMSA 1978, presumptive non-prison;

(752) attempt to commit prohibited acts under the Drug Precursor Act, as provided in Paragraph (3) of Subsection B of Section 30-31B-12 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(753) conspiracy to commit prohibited acts under the Drug Precursor Act, as provided in Paragraph (3) of

Subsection B of Section 30-31B-12 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(754) solicitation to commit prohibited acts under the Drug Precursor Act, as provided in Paragraph (3) of Subsection B of Section 30-31B-12 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(755) violation of the Indian Arts and Crafts Sales Act, as provided in Subsection E of Section 30-33-9 NMSA 1978, presumptive penalties and fines;

(756) conspiracy to commit violation of the Indian Arts and Crafts Sales Act, as provided in Subsection E of Section 30-33-9 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(757) solicitation to commit violation of the Indian Arts and Crafts Sales Act, as provided in Subsection E of Section 30-33-9 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(758) obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Subsection A of Section 30-33-13 NMSA 1978, presumptive non-prison;

(759) attempt to commit obtaining or

attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(760) conspiracy to commit obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(761) solicitation to commit obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than two hundred fifty dollars (\$250) but not more than two thousand five hundred dollars (\$2,500), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(762) obtaining or attempting to obtain any telecommunications service without paying the lawful charge

in whole or in part when the charges for the telecommunications service obtained are more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978, presumptive non-prison;

(763) attempt to commit obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(764) conspiracy to commit obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(765) solicitation to commit obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than two

thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(766) obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978, no presumption;

(767) attempt to commit obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(768) conspiracy to commit obtaining or attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(769) solicitation to commit obtaining or

attempting to obtain any telecommunications service without paying the lawful charge in whole or in part when the charges for the telecommunications service obtained are more than twenty thousand dollars (\$20,000), as provided in Subsection A of Section 30-33-13 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(770) making, possessing, selling, giving or transferring certain devices for certain purposes, second or subsequent offense, as provided in Subsection B of Section 30-33-13 NMSA 1978, presumptive non-prison;

(771) conspiracy to commit making, possessing, selling, giving or transferring certain devices for certain purposes, second or subsequent offense, as provided in Subsection B of Section 30-33-13 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(772) solicitation to commit making, possessing, selling, giving or transferring certain devices for certain purposes, second or subsequent offense, as provided in Subsection B of Section 30-33-13 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(773) issuing a worthless check, as provided in Subsection B of Section 30-36-5 NMSA 1978, presumptive non-prison;

(774) conspiracy to commit issuing a worthless check, as provided in Subsection B of Section

30-36-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(775) solicitation to commit issuing a worthless check, as provided in Subsection B of Section 30-36-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(776) child luring, as provided in Subsection B of Section 30-37-3.2 NMSA 1978, presumptive non-prison;

(777) conspiracy to commit child luring, as provided in Subsection B of Section 30-37-3.2 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(778) solicitation to commit child luring, as provided in Subsection B of Section 30-37-3.2 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(779) failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection D of Section 30-40-1 NMSA 1978, presumptive non-prison;

(780) conspiracy to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection D of Section 30-40-1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(781) solicitation to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection D of Section 30-40-1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(782) failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection E of Section 30-40-1 NMSA 1978, presumptive non-prison;

(783) attempt to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection E of Section 30-40-1 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(784) conspiracy to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection E of Section 30-40-1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(785) solicitation to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection E of Section 30-40-1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(786) failing to disclose facts or change of circumstances to obtain public assistance, as provided in

Subsection F of Section 30-40-1 NMSA 1978, no presumption;

(787) attempt to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection F of Section 30-40-1 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(788) conspiracy to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection F of Section 30-40-1 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(789) solicitation to commit failing to disclose facts or change of circumstances to obtain public assistance, as provided in Subsection F of Section 30-40-1 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(790) unlawful use of food stamp identification card or medical identification card, as provided in Subsection D of Section 30-40-2 NMSA 1978, presumptive non-prison;

(791) conspiracy to commit unlawful use of food stamp identification card or medical identification card, as provided in Subsection D of Section 30-40-2 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(792) solicitation to commit unlawful use of

food stamp identification card or medical identification card, as provided in Subsection D of Section 30-40-2 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(793) unlawful use of food stamp identification card or medical identification card, as provided in Subsection E of Section 30-40-2 NMSA 1978, presumptive non-prison;

(794) attempt to commit unlawful use of food stamp identification card or medical identification card, as provided in Subsection E of Section 30-40-2 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(795) conspiracy to commit unlawful use of food stamp identification card or medical identification card, as provided in Subsection E of Section 30-40-2 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(796) solicitation to commit unlawful use of food stamp identification card or medical identification card, as provided in Subsection E of Section 30-40-2 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(797) unlawful use of food stamp identification card or medical identification card, as provided in Subsection F of Section 30-40-2 NMSA 1978, no

presumption;

(798) attempt to commit unlawful use of food stamp identification card or medical identification card, as provided in Subsection F of Section 30-40-2 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(799) conspiracy to commit unlawful use of food stamp identification card or medical identification card, as provided in Subsection F of Section 30-40-2 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(800) solicitation to commit unlawful use of food stamp identification card or medical identification card, as provided in Subsection F of Section 30-40-2 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(801) misappropriating public assistance, as provided in Subsection D of Section 30-40-3 NMSA 1978, presumptive non-prison;

(802) conspiracy to commit misappropriating public assistance, as provided in Subsection D of Section 30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(803) solicitation to commit misappropriating public assistance, as provided in Subsection D of Section 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(804) misappropriating public assistance, as

provided in Subsection E of Section 30-40-3 NMSA 1978,
presumptive non-prison;

(805) attempt to commit misappropriating
public assistance, as provided in Subsection E of Section
30-40-3 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
penalties and fines;

(806) conspiracy to commit misappropriating
public assistance, as provided in Subsection E of Section
30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
penalties and fines;

(807) solicitation to commit
misappropriating public assistance, as provided in Subsection
E of Section 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978,
presumptive penalties and fines;

(808) misappropriating public assistance, as
provided in Subsection F of Section 30-40-3 NMSA 1978, no
presumption;

(809) attempt to commit misappropriating
public assistance, as provided in Subsection F of Section
30-40-3 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive
non-prison;

(810) conspiracy to commit misappropriating
public assistance, as provided in Subsection F of Section
30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive
non-prison;

(811) solicitation to commit misappropriating public assistance, as provided in Subsection F of Section 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(812) misappropriating public assistance, as provided in Subsection G of Section 30-40-3 NMSA 1978, presumptive non-prison;

(813) conspiracy to commit misappropriating public assistance, as provided in Subsection G of Section 30-40-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(814) solicitation to commit misappropriating public assistance, as provided in Subsection G of Section 30-40-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(815) making or permitting a false claim for reimbursement for public assistance services, as provided in Section 30-40-4 NMSA 1978, presumptive non-prison;

(816) conspiracy to commit making or permitting a false claim for reimbursement for public assistance services, as provided in Sections 30-40-4 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(817) solicitation to commit making or permitting a false claim for reimbursement for public assistance services, as provided in Sections 30-40-4 and

30-28-3 NMSA 1978, presumptive penalties and fines;

(818) failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection D of Section 30-40-6 NMSA 1978, presumptive non-prison;

(819) conspiracy to commit failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection D of Section 30-40-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(820) solicitation to commit failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection D of Section 30-40-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(821) failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection E of Section 30-40-6 NMSA 1978, presumptive non-prison;

(822) attempt to commit failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection E of Section 30-40-6 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(823) conspiracy to commit failure to

reimburse the human services department upon receipt of third-party payment, as provided in Subsection E of Section 30-40-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(824) solicitation to commit failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection E of Section 30-40-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(825) failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection F of Section 30-40-6 NMSA 1978, no presumption;

(826) attempt to commit failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection F of Section 30-40-6 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(827) conspiracy to commit failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection F of Section 30-40-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(828) solicitation to commit failure to reimburse the human services department upon receipt of third-party payment, as provided in Subsection F of Section

30-40-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(829) soliciting or receiving illegal kickback, as provided in Section 30-41-1 NMSA 1978, presumptive non-prison;

(830) conspiracy to commit soliciting or receiving illegal kickback, as provided in Sections 30-41-1 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(831) solicitation to commit soliciting or receiving illegal kickback, as provided in Sections 30-41-1 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(832) offering or paying illegal kickback, as provided in Section 30-41-2 NMSA 1978, presumptive non-prison;

(833) conspiracy to commit offering or paying illegal kickback, as provided in Sections 30-41-2 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(834) solicitation to commit offering or paying illegal kickback, as provided in Sections 30-41-2 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(835) racketeering, as provided in Section 30-42-4 NMSA 1978, no presumption;

(836) attempt to commit racketeering, as provided in Sections 30-42-4 and 30-28-1 NMSA 1978, no presumption;

(837) conspiracy to commit racketeering, as provided in Sections 30-42-4 and 30-28-2 NMSA 1978, no presumption;

(838) solicitation to commit racketeering, as provided in Sections 30-42-4 and 30-28-3 NMSA 1978, no presumption;

(839) making extortionate extensions of credit, as provided in Section 30-43-3 NMSA 1978, presumptive non-prison;

(840) attempt to commit making extortionate extensions of credit, as provided in Sections 30-43-3 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(841) conspiracy to commit making extortionate extensions of credit, as provided in Sections 30-43-3 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(842) solicitation to commit making extortionate extensions of credit, as provided in Sections 30-43-3 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(843) financing extortionate extensions of credit, as provided in Section 30-43-4 NMSA 1978, presumptive non-prison;

(844) attempt to commit financing extortionate extensions of credit, as provided in Sections

30-43-4 and 30-28-1 NMSA 1978, presumptive penalties and fines;

(845) conspiracy to commit financing extortionate extensions of credit, as provided in Sections 30-43-4 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(846) solicitation to commit financing extortionate extensions of credit, as provided in Sections 30-43-4 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(847) collection of extensions of credit by extortionate means, as provided in Section 30-43-5 NMSA 1978, no presumption;

(848) attempt to commit collection of extensions of credit by extortionate means, as provided in Sections 30-43-5 and 30-28-1 NMSA 1978, presumptive non-prison;

(849) conspiracy to commit collection of extensions of credit by extortionate means, as provided in Sections 30-43-5 and 30-28-2 NMSA 1978, presumptive non-prison;

(850) solicitation to commit collection of extensions of credit by extortionate means, as provided in Sections 30-43-5 and 30-28-3 NMSA 1978, presumptive non-prison;

(851) falsification of documents, as provided in Section 30-44-4 NMSA 1978, presumptive penalties and fines;

(852) conspiracy to commit falsification of documents, as provided in Sections 30-44-4 and 30-28-2 NMSA 1978, presumptive penalties and fines;

(853) solicitation to commit falsification of documents, as provided in Sections 30-44-4 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(854) failure to retain records, as provided in Paragraph (2) of Subsection C of Section 30-44-5 NMSA 1978, presumptive penalties and fines;

(855) conspiracy to commit failure to retain records, as provided in Paragraph (2) of Subsection C of Section 30-44-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(856) solicitation to commit failure to retain records, as provided in Paragraph (2) of Subsection C of Section 30-44-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(857) obstruction of investigation, as provided in Section 30-44-6 NMSA 1978, presumptive penalties and fines;

(858) conspiracy to commit obstruction of investigation, as provided in Sections 30-44-6 and 30-28-2

NMSA 1978, presumptive penalties and fines;

(859) solicitation to obstruction of investigation, as provided in Sections 30-44-6 and 30-28-3 NMSA 1978, presumptive penalties and fines;

(860) medicaid fraud, as provided in Subsection B of Section 30-44-7 NMSA 1978, presumptive non-prison;

(861) conspiracy to commit medicaid fraud, as provided in Subsection B of Section 30-44-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(862) solicitation to commit medicaid fraud, as provided in Subsection B of Section 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(863) medicaid fraud, as provided in Paragraph (3) of Subsection C of Section 30-44-7 NMSA 1978, presumptive non-prison;

(864) conspiracy to commit medicaid fraud, as provided in Paragraph (3) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(865) solicitation to commit medicaid fraud, as provided in Paragraph (3) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(866) medicaid fraud, as provided in

Paragraph (4) of Subsection C of Section 30-44-7 NMSA 1978, presumptive non-prison;

(867) attempt to commit medicaid fraud, as provided in Paragraph (4) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(868) conspiracy to commit medicaid fraud, as provided in Paragraph (4) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(869) solicitation to commit medicaid fraud, as provided in Paragraph (4) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(870) medicaid fraud, as provided in Paragraph (5) of Subsection C of Section 30-44-7 NMSA 1978, no presumption;

(871) attempt to commit medicaid fraud, as provided in Paragraph (5) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(872) conspiracy to commit medicaid fraud, as provided in Paragraph (5) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(873) solicitation to commit medicaid fraud, as provided in Paragraph (5) of Subsection C of Section 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(874) medicaid fraud, as provided in Subsection D of Section 30-44-7 NMSA 1978, no presumption;

(875) conspiracy to commit medicaid fraud, as provided in Subsection D of Section 30-44-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(876) solicitation to commit medicaid fraud, as provided in Subsection D of Section 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(877) medicaid fraud, as provided in Subsection E of Section 30-44-7 NMSA 1978, no presumption;

(878) attempt to commit medicaid fraud, as provided in Subsection E of Section 30-44-7 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(879) conspiracy to commit medicaid fraud, as provided in Subsection E of Section 30-44-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(880) solicitation to commit medicaid fraud, as provided in Subsection E of Section 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(881) medicaid fraud, as provided in Subsection F of Section 30-44-7 NMSA 1978, no presumption;

(882) attempt to commit medicaid fraud, as provided in Subsection F of Section 30-44-7 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(883) conspiracy to commit medicaid fraud, as provided in Subsection F of Section 30-44-7 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(884) solicitation to commit medicaid fraud, as provided in Subsection F of Section 30-44-7 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(885) computer access with intent to defraud or embezzle, as provided in Subsection C of Section 30-45-3 NMSA 1978, presumptive non-prison;

(886) conspiracy to commit computer access with intent to defraud or embezzle, as provided in Subsection C of Section 30-45-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(887) solicitation to commit computer access with intent to defraud or embezzle, as provided in Subsection C of Section 30-45-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(888) computer access with intent to defraud or embezzle, as provided in Subsection D of Section 30-45-3 NMSA 1978, presumptive non-prison;

(889) attempt to commit computer access with intent to defraud or embezzle, as provided in Subsection D of

Section 30-45-3 NMSA 1978 and Section 30-28-1 NMSA 1978,
presumptive penalties and fines;

(890) conspiracy to commit computer access
with intent to defraud or embezzle, as provided in Subsection
D of Section 30-45-3 NMSA 1978 and Section 30-28-2 NMSA 1978,
presumptive penalties and fines;

(891) solicitation to commit computer access
with intent to defraud or embezzle, as provided in Subsection
D of Section 30-45-3 NMSA 1978 and Section 30-28-3 NMSA 1978,
presumptive penalties and fines;

(892) computer access with intent to defraud
or embezzle, as provided in Subsection E of Section 30-45-3
NMSA 1978, no presumption;

(893) attempt to commit computer access with
intent to defraud or embezzle, as provided in Subsection E of
Section 30-45-3 NMSA 1978 and Section 30-28-1 NMSA 1978,
presumptive non-prison;

(894) conspiracy to commit computer access
with intent to defraud or embezzle, as provided in Subsection
E of Section 30-45-3 NMSA 1978 and Section 30-28-2 NMSA 1978,
presumptive non-prison;

(895) solicitation to commit computer access
with intent to defraud or embezzle, as provided in Subsection
E of Section 30-45-3 NMSA 1978 and Section 30-28-3 NMSA 1978,
presumptive non-prison;

(896) computer abuse, as provided in Paragraph (3) of Subsection A of Section 30-45-4 NMSA 1978, presumptive non-prison;

(897) conspiracy to commit computer abuse, as provided in Paragraph (3) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(898) solicitation to commit computer abuse, as provided in Paragraph (3) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(899) computer abuse, as provided in Paragraph (4) of Subsection A of Section 30-45-4 NMSA 1978, presumptive non-prison;

(900) attempt to commit computer abuse, as provided in Paragraph (4) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(901) conspiracy to commit computer access with intent to defraud or embezzle, as provided in Paragraph (4) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(902) solicitation to commit computer abuse, as provided in Paragraph (4) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive

penalties and fines;

(903) computer abuse, as provided in Paragraph (5) of Subsection A of Section 30-45-4 NMSA 1978, no presumption;

(904) attempt to commit computer abuse, as provided in Paragraph (5) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(905) conspiracy to commit computer abuse, as provided in Paragraph (5) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(906) solicitation to commit computer abuse, as provided in Paragraph (5) of Subsection A of Section 30-45-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(907) unauthorized computer use, as provided in Subsection C of Section 30-45-5 NMSA 1978, presumptive non-prison;

(908) conspiracy to commit unauthorized computer use, as provided in Subsection C of Section 30-45-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(909) solicitation to commit unauthorized computer use, as provided in Subsection C of Section 30-45-5

NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(910) unauthorized computer use, as provided in Subsection D of Section 30-45-5 NMSA 1978, presumptive non-prison;

(911) attempt to commit unauthorized computer use, as provided in Subsection D of Section 30-45-5 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(912) conspiracy to commit unauthorized computer use with intent to defraud or embezzle, as provided in Subsection D of Section 30-45-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(913) solicitation to commit unauthorized computer use, as provided in Subsection D of Section 30-45-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(914) unauthorized computer use, as provided in Subsection E of Section 30-45-5 NMSA 1978, no presumption;

(915) attempt to commit unauthorized computer use, as provided in Subsection E of Section 30-45-5 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(916) conspiracy to commit unauthorized computer use, as provided in Subsection E of Section 30-45-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-

prison;

(917) solicitation to commit unauthorized computer use, as provided in Subsection E of Section 30-45-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(918) abuse of a resident, as provided in Subsection B of Section 30-47-4 NMSA 1978, no presumption;

(919) conspiracy to commit abuse of a resident, as provided in Subsection B of Section 30-47-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(920) solicitation to commit abuse of a resident, as provided in Subsection B of Section 30-47-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(921) abuse of a resident, as provided in Subsection C of Section 30-47-4 NMSA 1978, no presumption;

(922) attempt to commit abuse of a resident, as provided in Subsection C of Section 30-47-4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(923) conspiracy to commit abuse of a resident, as provided in Subsection C of Section 30-47-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(924) solicitation to commit abuse of a resident, as provided in Subsection C of Section 30-47-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(925) abuse of a resident, as provided in

Subsection D of Section 30-47-4 NMSA 1978, no presumption;

(926) attempt to commit abuse of a resident, as provided in Subsection D of Section 30-47-4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(927) conspiracy to commit abuse of a resident, as provided in Subsection D of Section 30-47-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(928) solicitation to commit abuse of a resident, as provided in Subsection D of Section 30-47-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(929) neglect of a resident, as provided in Subsection B of Section 30-47-5 NMSA 1978, presumptive non-prison;

(930) conspiracy to commit neglect of a resident, as provided in Subsection B of Section 30-47-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(931) solicitation to commit neglect of a resident, as provided in Subsection B of Section 30-47-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(932) neglect of a resident, as provided in Subsection C of Section 30-47-5 NMSA 1978, no presumption;

(933) attempt to commit neglect of a resident, as provided in Subsection C of Section 30-47-5 NMSA

1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(934) conspiracy to commit neglect of a resident, as provided in Subsection C of Section 30-47-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(935) solicitation to commit neglect of a resident, as provided in Subsection C of Section 30-47-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(936) neglect of a resident, as provided in Subsection D of Section 30-47-5 NMSA 1978, no presumption;

(937) attempt to commit neglect of a resident, as provided in Subsection D of Section 30-47-5 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(938) conspiracy to commit neglect of a resident, as provided in Subsection D of Section 30-47-5 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(939) solicitation to commit neglect of a resident, as provided in Subsection D of Section 30-47-5 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(940) exploitation of a resident's property, as provided in Subsection D of Section 30-47-6 NMSA 1978, presumptive non-prison;

(941) conspiracy to commit exploitation of a resident's property, as provided in Subsection D of Section 30-47-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(942) solicitation to commit exploitation of a resident's property, as provided in Subsection D of Section 30-47-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(943) exploitation of a resident's property, as provided in Subsection E of Section 30-47-6 NMSA 1978, presumptive non-prison;

(944) attempt to commit exploitation of a resident's property, as provided in Subsection E of Section 30-47-6 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(945) conspiracy to commit exploitation of a resident's property, as provided in Subsection E of Section 30-47-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(946) solicitation to commit exploitation of a resident's property, as provided in Subsection E of Section 30-47-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(947) exploitation of a resident's property, as provided in Subsection F of Section 30-47-6 NMSA 1978, no presumption;

(948) attempt to commit exploitation of a resident's property, as provided in Subsection F of Section 30-47-6 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive

non-prison;

(949) conspiracy to commit exploitation of a resident's property, as provided in Subsection F of Section 30-47-6 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(950) solicitation to commit exploitation of a resident's property, as provided in Subsection F of Section 30-47-6 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(951) fraudulent telemarketing, as provided in Subsection B of Section 30-50-4 NMSA 1978, presumptive non-prison;

(952) conspiracy to commit fraudulent telemarketing, as provided in Subsection B of Section 30-50-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(953) solicitation to commit fraudulent telemarketing, as provided in Subsection B of Section 30-50-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(954) fraudulent telemarketing, as provided in Subsection C of Section 30-50-4 NMSA 1978, presumptive non-prison;

(955) attempt to commit fraudulent telemarketing, as provided in Subsection C of Section 30-50-4

NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(956) conspiracy to commit fraudulent telemarketing, as provided in Subsection C of Section 30-50-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(957) solicitation to commit fraudulent telemarketing, as provided in Subsection C of Section 30-50-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(958) fraudulent telemarketing, as provided in Subsection D of Section 30-50-4 NMSA 1978, no presumption;

(959) attempt to commit fraudulent telemarketing, as provided in Subsection D of Section 30-50-4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(960) conspiracy to commit fraudulent telemarketing, as provided in Subsection D of Section 30-50-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(961) solicitation to commit fraudulent telemarketing, as provided in Subsection D of Section 30-50-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(962) providing false or inaccurate

information in a report filed with the department of public safety, as provided in Paragraph (2) of Subsection E of Section 30-51-3 NMSA 1978, presumptive penalties and fines;

(963) conspiracy to commit providing false or inaccurate information in a report filed with the department of public safety, as provided in Paragraph (2) of Subsection E of Section 30-51-3 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(964) solicitation to commit providing false or inaccurate information in a report filed with the department of public safety, as provided in Paragraph (2) of Subsection E of Section 30-51-3 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(965) money laundering, as provided in Paragraph (1) of Subsection B of Section 30-51-4 NMSA 1978, no presumption;

(966) attempt to commit money laundering, as provided in Paragraph (1) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive non-prison;

(967) conspiracy to commit money laundering, as provided in Paragraph (1) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive non-prison;

(968) solicitation to commit money

laundering, as provided in Paragraph (1) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive non-prison;

(969) money laundering, as provided in Paragraph (2) of Subsection B of Section 30-51-4 NMSA 1978, presumptive non-prison;

(970) attempt to commit money laundering, as provided in Paragraph (2) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-1 NMSA 1978, presumptive penalties and fines;

(971) conspiracy to commit money laundering, as provided in Paragraph (2) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines;

(972) solicitation to commit money laundering, as provided in Paragraph (2) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines;

(973) money laundering, as provided in Paragraph (3) of Subsection B of Section 30-51-4 NMSA 1978, presumptive non-prison;

(974) conspiracy to commit money laundering, as provided in Paragraph (3) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-2 NMSA 1978, presumptive penalties and fines; and

(975) solicitation to commit money laundering, as provided in Paragraph (3) of Subsection B of Section 30-51-4 NMSA 1978 and Section 30-28-3 NMSA 1978, presumptive penalties and fines.

B. Upon sentencing a person convicted of a criminal offense, the sentencing court shall ordinarily assign the presumptive sentence that is indicated in Subsection A of this section. The sentencing court may depart from that presumptive sentence only when there are substantial and compelling reasons, stated on the record, for departing from the sentence.

Section 5. Section 31-18-16 NMSA 1978 (being Laws 1977, Chapter 216, Section 5, as amended) is amended to read:

"31-18-16. USE OF FIREARM--ALTERATION OF BASIC SENTENCE--SUSPENSION AND DEFERRAL LIMITED.--

A. When a separate finding of fact by the court or jury shows that a firearm was used in the commission of a noncapital felony, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by one year, and the sentence imposed pursuant to this subsection shall be the first year served and shall not be suspended or deferred, unless the sentencing court makes a specific finding that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on

the record, for departing from the sentence imposed pursuant to this subsection.

B. For a second or subsequent noncapital felony in which a firearm is used, the basic sentence of imprisonment prescribed in Section 31-18-15 NMSA 1978 shall be increased by three years, and the sentence imposed pursuant to this subsection shall be the first three years served and shall not be suspended or deferred, unless the sentencing court makes a specific finding that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to this subsection.

C. If the case is tried before a jury and if a prima facie case has been established showing that a firearm was used in the commission of the offense, the court shall submit the issue to the jury by special interrogatory. If the case is tried by the court and if a prima facie case has been established showing that a firearm was used in the commission of the offense, the court shall decide the issue and shall make a separate finding of fact thereon."

Section 6. Section 31-18-16.1 NMSA 1978 (being Laws 1980, Chapter 36, Section 1, as amended) is amended to read:

"31-18-16.1. NONCAPITAL FELONIES AGAINST PERSONS SIXTY YEARS OF AGE OR OLDER OR HANDICAPPED PERSONS--ALTERATION OF

BASIC SENTENCE--SUSPENSION AND DEFERRAL LIMITED.--

A. When a separate finding of fact by the court or jury shows that in the commission of a noncapital felony a person sixty years of age or older or who is handicapped was intentionally injured, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased as follows:

(1) if the injury inflicted to the person is not likely to cause death or great bodily harm but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, the basic sentence shall be increased by one year; and

(2) if the injury inflicted to the person causes great bodily harm or is done with a deadly weapon or is done in any manner whereby great bodily harm or death could be inflicted, the basic sentence shall be increased by two years.

B. If the case is tried before a jury and if a prima facie case has been established showing that in the commission of the offense a person sixty years of age or older or who is handicapped was intentionally injured, the court shall submit the issue to the jury by special interrogatory. If the case is tried by the court and if a prima facie case has been established showing that in the commission of the offense a person sixty years of age or

older or who is handicapped was intentionally injured, the court shall decide the issue and shall make a separate finding of fact thereon.

C. As used in this section, "handicapped" means that the person has a physical or mental impairment that substantially limits one or more of that person's functions, such as caring for himself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working."

Section 7. Section 31-18-17 NMSA 1978 (being Laws 1977, Chapter 216, Section 6, as amended by Laws 1993, Chapter 77, Section 9 and also by Laws 1993, Chapter 283, Section 1) is amended to read:

"31-18-17. HABITUAL OFFENDERS--ALTERATION OF BASIC SENTENCE.--

A. For the purposes of this section, "prior felony conviction" means:

(1) a conviction for a prior felony committed within New Mexico whether within the Criminal Code or not; or

(2) any prior felony for which the person was convicted other than an offense triable by court martial if:

(a) the conviction was rendered by a court of another state, the United States, a territory of the United States or the commonwealth of Puerto Rico;

(b) the offense was punishable, at the time of conviction, by death or a maximum term of imprisonment of more than one year; or

(c) the offense would have been classified as a felony in this state at the time of conviction.

B. Any person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred one prior felony conviction which was part of a separate transaction or occurrence or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and his basic sentence shall be increased by one year.

C. Any person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred two prior felony convictions which were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and his basic sentence shall be increased by four years.

D. Any person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred three or more prior felony convictions which were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and his basic

sentence shall be increased by eight years.

E. If a person is convicted of a noncapital felony offense listed in Subsection A of Section 4 of the Sentencing Standards Act, which has a presumptive sentence of presumptive prison, the habitual offender sentence enhancement set forth in Subsection B, C or D of this section shall not be suspended or deferred, unless the sentencing court makes a specific finding that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to Subsection B, C or D of this section.

F. If a person is convicted of a noncapital felony offense listed in Subsection A of Section 4 of the Sentencing Standards Act, which has a presumptive sentence of no presumption, the habitual offender sentence enhancement set forth in Subsection C or D of this section shall not be suspended or deferred, unless the sentencing court makes a specific finding that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to Subsection C or D of this section.

G. If a person is convicted of a noncapital felony offense listed in Subsection A of Section 4 of the Sentencing Standards Act, which has a presumptive sentence of

presumptive non-prison or presumptive penalties and fines, the habitual offender sentence enhancement set forth in Subsection D of this section shall not be suspended or deferred, unless the sentencing court makes a specific finding that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to Subsection D of this section."

Section 8. APPLICABILITY.--The provisions of this act apply to persons convicted of a criminal offense committed on or after July 1, 1999. As to persons convicted of a criminal offense committed prior to July 1, 1999, the laws with respect to sentencing of criminal offenders in effect at the time the criminal offense was committed shall apply.

Section 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1999. _____