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SENATE BILL 48

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO CRIMINAL LAW; EXPANDING THE LIST OF PREDICATE
OFFENSES FOR THE CRIME OF RACKETEERING; AMENDING A SECTION OF
THE RACKETEERING ACT.

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

Section 1. Section 30-42-3 NMSA 1978 (being Laws 1980,
Chapter 40, Section 3, as amended) is amended to read:

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

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

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

(2) robbery, as provided in Section 30-16-2

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- 1 NMSA 1978;
- 2 (3) kidnapping, as provided in Section 30-4-1
- 3 NMSA 1978;
- 4 (4) forgery, as provided in Section 30-16-10
- 5 NMSA 1978;
- 6 (5) larceny, as provided in Section 30-16-1
- 7 NMSA 1978;
- 8 (6) fraud, as provided in Section 30-16-6
- 9 NMSA 1978;
- 10 (7) embezzlement, as provided in Section
- 11 30-16-8 NMSA 1978;
- 12 (8) receiving stolen property, as provided in
- 13 Section 30-16-11 NMSA 1978;
- 14 (9) bribery, as provided in Sections 30-24-1
- 15 through 30-24-3 NMSA 1978;
- 16 (10) gambling, as provided in Sections
- 17 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;
- 18 (11) illegal kickbacks, as provided in
- 19 Sections 30-41-1 and 30-41-2 NMSA 1978;
- 20 (12) extortion, as provided in Section
- 21 30-16-9 NMSA 1978;
- 22 (13) trafficking in controlled substances, as
- 23 provided in Section 30-31-20 NMSA 1978;
- 24 (14) arson and aggravated arson, as provided
- 25 in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA

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1 1978;

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

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

6 (17) fraudulent securities practices, as
7 provided in the New Mexico Securities Act of 1986;

8 (18) loan sharking, as provided in Sections
9 30-43-1 through 30-43-5 NMSA 1978;

10 (19) distribution of controlled substances or
11 controlled substance [~~analogues~~] analogs, as provided in
12 Sections 30-31-21 and 30-31-22 NMSA 1978; [~~and~~]

13 (20) a violation of the provisions of Section
14 [~~4 of the Money Laundering Act~~] 30-51-4 NMSA 1978;

15 (21) unlawful taking of a vehicle or a motor
16 vehicle, as provided in Section 66-3-504 NMSA 1978;

17 (22) receiving or transferring stolen
18 vehicles or motor vehicles, as provided in Section 66-3-505
19 NMSA 1978; and

20 (23) altering or changing engine numbers or
21 other motor vehicle numbers, as provided in Section 66-3-508
22 NMSA 1978;

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

25 C. "enterprise" means a sole proprietorship,

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1 partnership, corporation, business, labor union, association
2 or other legal entity or a group of individuals associated in
3 fact although not a legal entity and includes illicit as well
4 as licit entities; and

5 D. "pattern of racketeering activity" means
6 engaging in at least two incidents of racketeering with the
7 intent of accomplishing any of the prohibited activities set
8 forth in Subsections A through D of Section 30-42-4 NMSA 1978;
9 provided at least one of the incidents occurred after [~~the~~
10 ~~effective date of the Racketeering Act~~] February 28, 1980 and
11 the last incident occurred within five years after the
12 commission of a prior incident of racketeering. "

13 Section 2. EFFECTIVE DATE. --The effective date of the
14 provisions of this act is July 1, 1999.