



**SENATOR GREG BACA**  
*Senate Republican Leader*

**SENATOR CRAIG BRANDT**  
*Senate Republican Whip*

**SENATOR MARK MOORES**  
*Senate Republican Caucus Chair*

FOR IMMEDIATE RELEASE

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## **Senate Republicans Re-Introduce Comprehensive Crime Bill to Address Public Safety for Upcoming Special Session**

SANTA FE—Today, the New Mexico Senate Republicans announced their plan to re-introduce legislation to strengthen the state’s Racketeering Act (RICO) during the upcoming Special Session. The bill echoes the effort made to address public safety by Senate Republicans during this year’s regular Legislative Session in January and February.

“Unfortunately, the Governor’s proposals regarding panhandling and competency will do little to meaningfully address public safety,” said Senate Republican Whip, **Senator Craig Brandt** (R-Rio Rancho). “If we are going to spend tens of thousands of taxpayer dollars on a Special Session, let’s come in and give law enforcement and prosecutors the tools they need to target the career criminals perpetuating our state’s crime crisis. It is past time for the Democrats to join us in taking crime seriously.”

The RICO bill aims to target organized crime and broaden the scope of crimes that qualify for RICO prosecution, including expanded sentencing for human trafficking and sexual exploitation of children. The bill was previously drafted with input from the state’s top law enforcement agencies, local district attorneys, and police departments.

“The New Mexico Senate Republicans remain steadfast in our commitment to making our communities safer” added Senate Republican Leader, **Senator Greg Baca** (R-Belen). “It is unfortunate that proposals like this one were completely ignored and derailed this past Session, but we again come to the table with solutions. If the Governor is serious about public safety, she will ensure that this proposal, as well as our previously announced [border crime package](#), are included in the scope of the Special Session. No more punting. The time to address our crime crisis is now.”

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SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2024**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

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

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

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

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

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

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

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

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1 following cited offenses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (24) receiving or transferring stolen vehicles

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

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

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

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

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

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

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

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

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

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

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

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

25 (36) impersonating a peace officer, as

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

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

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

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

12 D. "criminal gang" means three or more persons  
13 having a common identifying sign or symbol or an identifiable  
14 leadership and who continuously or regularly associate in the  
15 commission of criminal activities; and

16 ~~[D-]~~ E. "pattern of racketeering activity" means  
17 engaging in at least two incidents of racketeering with the  
18 intent of accomplishing any of the prohibited activities set  
19 forth in Subsections A through [D] F of Section 30-42-4 NMSA  
20 1978; provided at least one of the incidents occurred after  
21 February 28, 1980 and the last incident occurred within five  
22 years after the commission of a prior incident of  
23 racketeering."

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

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1 "30-42-4. PROHIBITED ACTIVITIES--PENALTIES.--

2 A. It is unlawful for a person who has received  
3 proceeds derived, directly or indirectly, from a pattern of  
4 racketeering activity in which the person has participated, to  
5 use or invest, directly or indirectly, any part of the proceeds  
6 or the proceeds derived from the investment or use in the  
7 acquisition of an interest in, or the establishment or  
8 operation of, an enterprise. [~~Whoever~~] A person who violates  
9 this subsection is guilty of a second degree felony.

10 B. It is unlawful for a person to engage in a  
11 pattern of racketeering activity in order to acquire or  
12 maintain, directly or indirectly, an interest in or control of  
13 an enterprise. [~~Whoever~~] A person who violates this subsection  
14 is guilty of a second degree felony.

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

21 D. It is unlawful for a person to solicit or coerce  
22 another person, including a minor, into becoming or continuing  
23 as a member of an enterprise or participating in the  
24 racketeering activity of an enterprise. A person who violates  
25 this subsection is guilty of a third degree felony.

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