



The Legislature
of the
State of New Mexico

49th Legislature, Second Session

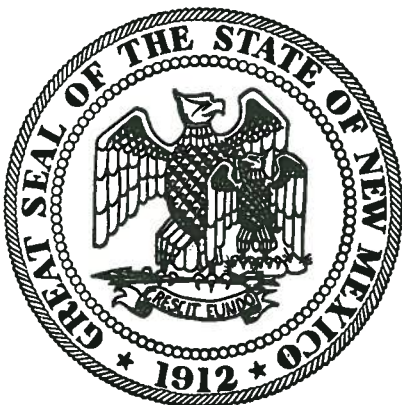
LAWS 2010

CHAPTER 35

SENATE BILL 107

Introduced by

SENATOR LYNDA M. LOVEJOY AND REPRESENTATIVE JAMES ROGER MADALENA
REPRESENTATIVE NATHAN P. COTE



FOR THE COURTS, CORRECTIONS AND JUSTICE
COMMITTEE AND THE INDIAN AFFAIRS
COMMITTEE

Chapter 35

AN ACT

RELATING TO CRIMINAL LAW; AMENDING THE INDIAN ARTS AND CRAFTS SALES ACT TO PROVIDE FOR PENALTIES CONSISTENT WITH PENALTIES FOR OTHER PROPERTY CRIMES; INCREASING PENALTIES.

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

Section 1. Section 30-33-9 NMSA 1978 (being Laws 1977, Chapter 334, Section 6, as amended) is amended to read:

"30-33-9. VIOLATION OF ACT--PENALTIES.--

A. In an action brought by the attorney general or a district attorney for a violation under the provisions of the Indian Arts and Crafts Sales Act, the district court may order temporary or permanent injunctive relief. The district court shall order restitution and such other relief as may be necessary to redress injury to any person resulting from the violation.

B. In any action brought under this section, if the court finds that a person is willfully using or has willfully used a method, act or practice declared unlawful by the Indian Arts and Crafts Sales Act, the attorney general or district attorney, upon petition to the court, may recover, on behalf of the state of New Mexico, a civil penalty not to exceed five thousand dollars (\$5,000) per violation.

C. Any person willfully and knowingly violating the provisions of the Indian Arts and Crafts Sales Act where

1 the violation involves property valued at two hundred fifty
2 dollars (\$250) or less is guilty of a petty misdemeanor.

3 D. Any person willfully and knowingly violating
4 the provisions of the Indian Arts and Crafts Sales Act where
5 the violation involves property valued in excess of two
6 hundred fifty dollars (\$250) but not more than five hundred
7 dollars (\$500) is guilty of a misdemeanor.

8 E. Any person willfully and knowingly violating
9 the provisions of the Indian Arts and Crafts Sales Act where
10 the violation involves property valued in excess of five
11 hundred dollars (\$500) but not more than two thousand five
12 hundred dollars (\$2,500) is guilty of a fourth degree felony.

13 F. Any person willfully and knowingly violating
14 the provisions of the Indian Arts and Crafts Sales Act where
15 the violation involves property valued in excess of two
16 thousand five hundred dollars (\$2,500) but not more than
17 twenty thousand dollars (\$20,000) is guilty of a third degree
18 felony.

19 G. Any person willfully and knowingly violating
20 the provisions of the Indian Arts and Crafts Sales Act where
21 the violation involves property valued in excess of twenty
22 thousand dollars (\$20,000) is guilty of a second degree
23 felony."

24 Section 2. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2010. _____

Diane D. Denish
Diane D. Denish, President
Senate

Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan
Ben Lujan, Speaker
House of Representatives

Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 5th day of March, 2010

Bill Richardson
Governor Bill Richardson
State of New Mexico

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MARCH 2 2010
SENATE