

HOUSE BILL 353

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

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AN ACT

RELATING TO STOLEN PROPERTY; PROVIDING THAT THE FAILURE TO  
VERIFY THAT A FIREARM WAS NOT STOLEN IS PRESUMED TO BE  
KNOWLEDGE BY THE RECIPIENT OF THE FIREARM THAT THE FIREARM WAS  
STOLEN.

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

SECTION 1. Section 30-16-11 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 16-11, as amended) is amended to read:

"30-16-11. RECEIVING STOLEN PROPERTY--PENALTIES.--

A. Receiving stolen property means intentionally to  
receive, retain or dispose of stolen property knowing that it  
has been stolen or believing it has been stolen, unless the  
property is received, retained or disposed of with intent to  
restore it to the owner.

B. The requisite knowledge or belief that property

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1 has been stolen is presumed in the case of a dealer who:

2 (1) is found in possession or control of  
3 property stolen from two or more persons on separate occasions;

4 (2) acquires stolen property for a  
5 consideration that the dealer knows is far below the property's  
6 reasonable value. A dealer shall be presumed to know the fair  
7 market value of the property in which the dealer deals; or

8 (3) is found in possession or control of five  
9 or more items of property stolen within one year prior to the  
10 time of the incident charged pursuant to this section.

11 C. For the purposes of this section:

12 (1) "dealer" means a person in the business of  
13 buying or selling goods or commercial merchandise; and

14 (2) "stolen property" means any property  
15 acquired by theft, larceny, fraud, embezzlement, robbery or  
16 armed robbery.

17 D. Whoever commits receiving stolen property when  
18 the value of the property is two hundred fifty dollars (\$250)  
19 or less is guilty of a petty misdemeanor.

20 E. Whoever commits receiving stolen property when  
21 the value of the property is over two hundred fifty dollars  
22 (\$250) but not more than five hundred dollars (\$500) is guilty  
23 of a misdemeanor.

24 F. Whoever commits receiving stolen property when  
25 the value of the property is over five hundred dollars (\$500)

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underscoring material = new  
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1 but not more than two thousand five hundred dollars (\$2,500) is  
2 guilty of a fourth degree felony.

3 G. Whoever commits receiving stolen property when  
4 the value of the property is over two thousand five hundred  
5 dollars (\$2,500) but not more than twenty thousand dollars  
6 (\$20,000) is guilty of a third degree felony.

7 H. Whoever commits receiving stolen property when  
8 the value of the property exceeds twenty thousand dollars  
9 (\$20,000) is guilty of a second degree felony.

10 I. Whoever commits receiving stolen property when  
11 the property is a firearm is guilty of a fourth degree felony  
12 when its value is less than two thousand five hundred dollars  
13 (\$2,500).

14 J. A person who receives a firearm without first  
15 ensuring that the firearm was not stolen by verifying that fact  
16 with the federal bureau of alcohol, tobacco, firearms and  
17 explosives national tracing center is presumed to know that the  
18 firearm was stolen."