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HOUSE BILL 14

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Raymundo Lara

AN ACT

RELATING TO CRIME; ENACTING THE UNLAWFUL PRIVATE PARAMILITARY
ACTIVITY ACT; CREATING THE CRIME OF UNLAWFUL PRIVATE
PARAMILITARY ACTIVITY; PROVIDING EXCEPTIONS; PROVIDING CRIMINAL
PENALTIES; PROVIDING CIVIL REMEDIES.

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

SECTION 1. A new section of Chapter 30 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Unlawful Private Paramilitary Activity Act"."

SECTION 2. A new section of Chapter 30 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Unlawful
Private Paramilitary Activity Act:

A. "armed forces" means the United States army,

1 navy, air force, marine corps, space force or coast guard;

2 B. "dangerous weapon" means a weapon, device,
3 instrument, material or animate or inanimate substance that is
4 used for or is readily capable of causing death or serious
5 bodily injury, but does not include a pocket knife with a blade
6 of less than two and one-half inches in length;

7 C. "explosive" means a chemical compound or mixture
8 or device, the primary or common purpose of which is to explode
9 and includes dynamite and other high explosives, black powder,
10 pellet powder, initiating explosives, detonators, safety fuses,
11 squibs, detonating cord, igniter cord and igniters;

12 D. "explosive device" means:

13 (1) an explosive bomb, grenade, missile or
14 similar device;

15 (2) a device or mechanism used or created to
16 start a fire or explosion with or without a timing mechanism
17 except cigarette lighters and matches; or

18 (3) an incendiary bomb or grenade, fire bomb
19 or similar device or any device that includes a flammable
20 liquid or compound and a wick or igniting agent composed of any
21 material that is capable of igniting the flammable liquid or
22 compound;

23 E. "firearm" means a weapon that will or is
24 designed to or may readily be converted to expel a projectile
25 by the action of an explosion, the frame or receiver of any

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1 such weapon, any firearm muffler or firearm silencer and
2 includes a handgun, rifle or shotgun;

3 F. "paramilitary organization" means a group of
4 three or more persons associating under a command structure for
5 the purpose of functioning in public or training to function in
6 public as a combat, combat support, law enforcement or security
7 services unit;

8 G. "peace officer" means a public official or
9 public officer vested by law with a duty to maintain public
10 order or to make arrests for crime, whether that duty extends
11 to all crimes or is limited to specific crimes;

12 H. "person" means an individual, partnership,
13 corporation, company, association, firm, society, organization
14 or government entity, whether incorporated or unincorporated;
15 and

16 I. "regularly organized state militia" means a
17 defense force organized and maintained by New Mexico but not
18 called, ordered or drafted into the armed forces."

19 SECTION 3. A new section of Chapter 30 NMSA 1978 is
20 enacted to read:

21 "[NEW MATERIAL] UNLAWFUL ACTS--PENALTIES.--

22 A. Except as otherwise provided in the Unlawful
23 Private Paramilitary Activity Act, a person shall not, while
24 acting as part of a paramilitary organization or on behalf of
25 or in furtherance of any objectives of a paramilitary

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1 organization, and while armed with a firearm, explosive device
2 or other dangerous weapon, knowingly:

3 (1) publicly patrol, drill or engage in
4 techniques capable of causing bodily injury or death;

5 (2) interfere with, interrupt or attempt to
6 interfere with or interrupt government operations or a
7 government proceeding;

8 (3) exercise or attempt to exercise, without
9 due authority, the functions of a peace officer or pretend to
10 be a peace officer with the intent to deceive another person;

11 (4) interfere with or intimidate another
12 person, the conduct of which deprives or attempts to deprive
13 the person of a right, privilege or immunity secured or
14 protected by the laws or constitution of the United States or
15 New Mexico; or

16 (5) train to engage in any activity described
17 in Paragraphs (1) through (4) of this subsection.

18 B. Whoever violates the provisions of Subsection A
19 of this section is:

20 (1) for a first offense, guilty of a
21 misdemeanor and upon conviction shall be sentenced in
22 accordance with the provisions of Section 31-19-1 NMSA 1978;

23 (2) for a second or subsequent offense, guilty
24 of a fourth degree felony and upon conviction shall be
25 sentenced in accordance with the provisions of Section 31-18-15

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1 NMSA 1978;

2 (3) for a first offense that results in damage
3 to property, guilty of a fourth degree felony and upon
4 conviction shall be sentenced in accordance with the provisions
5 of Section 31-18-15 NMSA 1978;

6 (4) for a second or subsequent offense that
7 results in damage to property, guilty of a third degree felony
8 and upon conviction shall be sentenced in accordance with the
9 provisions of Section 31-18-15 NMSA 1978;

10 (5) for a first offense that results in bodily
11 injury, guilty of a third degree felony and upon conviction
12 shall be sentenced in accordance with the provisions of Section
13 31-18-15 NMSA 1978;

14 (6) for a second or subsequent offense that
15 results in bodily injury, guilty of a second degree felony and
16 upon conviction shall be sentenced in accordance with the
17 provisions of Section 31-18-15 NMSA 1978; and

18 (7) for an offense that results in death,
19 guilty of a first degree felony and upon conviction shall be
20 sentenced in accordance with the provisions of Section 31-18-15
21 NMSA 1978.

22 C. A person convicted of violating Subsection A of
23 this section shall forfeit any property that:

24 (1) was involved in, used for or intended to
25 be used for the commission of the violation;

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1 (2) was involved in, used for or intended to
2 be used for facilitating the commission of the violation; or

3 (3) constitutes or is derived from proceeds
4 traceable to the violation.

5 D. Any property forfeited pursuant to Subsection C
6 of this section shall be forfeited as provided in the
7 Forfeiture Act."

8 SECTION 4. A new section of Chapter 30 NMSA 1978 is
9 enacted to read:

10 "[NEW MATERIAL] EXEMPTIONS.--The provisions of the
11 Unlawful Private Paramilitary Activity Act do not apply to a
12 person who is a member of:

13 A. the armed forces of the United States, the army
14 national guard of New Mexico, the air national guard of New
15 Mexico, any regularly organized state militia or any
16 unorganized or reserve militia called into service by this
17 state or the United States;

18 B. a group of individuals that:

19 (1) associate as a military organization
20 solely for historical purposes or fictional performances; or

21 (2) parade in public as part of a bona fide
22 veterans organization with no intent to engage in activities
23 prohibited by the Unlawful Private Paramilitary Activity Act;

24 C. an educational institution that is authorized by
25 this state or the United States to teach military science as a

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1 prescribed part of the course of instruction under the
2 supervision of a military instructor; or

3 D. an organization that is authorized by this state
4 or the United States to:

5 (1) provide paramilitary, law enforcement or
6 security services training; or

7 (2) engage in paramilitary activity, law
8 enforcement or security services if the organization is
9 performing the functions authorized by this state or the United
10 States and, for paramilitary activity or law enforcement, if
11 the organization is under the direction and control of a
12 governmental authority."

13 SECTION 5. A new section of Chapter 30 NMSA 1978 is
14 enacted to read:

15 "[NEW MATERIAL] CIVIL REMEDIES.--

16 A. The attorney general may commence an action for
17 declaratory, injunctive or any other equitable relief against a
18 person whom the attorney general has reasonable cause to
19 believe has engaged in or is about to engage in an act
20 prohibited by the Unlawful Private Paramilitary Activity Act.

21 B. A person who is injured as a result of a
22 violation of the Unlawful Private Paramilitary Activity Act may
23 commence a civil action, individually or jointly with any other
24 persons aggrieved, for declaratory, injunctive or any other
25 equitable relief or for damages incurred as a result of the

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violation, including reasonable attorney fees and costs."