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February 7, 2021

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FAYE HARDIN

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Altamonte Springs, FL 32716

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THE LORD HAS SPOKEN TO FAYE!

Twisted Charges Must be Exposed! *The unconstitutional impeachment of President Trump must be rejected and truth must prevail!*

FALSE CHARGES AS FOLLOWS:

Communist-style Impeachment performance art

The Daily Jot: Tuesday, Feb. 9, 2021

As senate Democrats wind up for their impeachment pitch, the theatre is reminiscent of an old time pro wrestling venue—everybody knew it was fake, contrived, and rigged for an outcome. Everybody, except for the rabid fans who would divorce their entire family and friends if the integrity of the match was called into question. The entire fiasco, sadly, is more akin to communist dictatorship railroading a political opponent or dissenter into prison or an execution just to make a point.

In this charade, the democrats are hoping to make legal the political assassination of a former president with the stated goal that Donald Trump would never be able to again run for or hold public office. They are that scared of him. Now the Democrat Impeachment Managers are threatening that Trump testify at the trial otherwise face “strong adverse inference regarding President Trump’s actions (and inactions) on January 6.”

In a response to Trump’s lawyers, the Democratic Party managers also said that everything that has been charged in the Articles of Impeachment are true and that all defenses against these charges are without merit. They say this impeachment is Constitutional—not

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by citing any Constitutional or judicial precedent, but because they say it is Constitutional. They say that Trump's First Amendment rights do not apply because he purposely incited insurrection by continuously lying that the election results were rigged and whipping up the January 6 crowd to storm the Capitol. They can say what they want because they have the vote.

Problem for the Democrats is that some of their argument has eroded in the days ahead of the trial. It is reported that the FBI has documented several of the so-called insurgents had pre-planned the action assault on the Capitol, diminishing the claim that Trump incited mob violence. Additionally, there is the question of the election itself. Time Magazine reported about a corporate-labor-leftist "handshake" to "protect" the election. Time's Molly Ball wrote, "Their work touched every aspect of the election. They got states to change voting systems and laws.

They fended off voter-suppression lawsuits, recruited armies of poll workers and got millions of people to vote by mail for the first time...After Election Day, they monitored every pressure point to ensure that Trump could not overturn the result." My Pillow CEO Mike Lindell also produced a documentary exposing election integrity issues. The Supreme Court also will hear election fraud cases this year. The Epoch Times reports that historian and Hoover Institute Fellow Victor Davis Hanson says the impeachment trial is no less

"performance art" very similar to the public shaming methods used by the Chinese Communist Party during their "cultural revolution" in the decade from 1966 to 1976. The Ninth Commandment is found in Exodus 20:16, "Thou shalt not bear false witness against your neighbor." You'll see this commandment broken a lot this week.



WATCH FAYE
ON YOUTUBE

Lord God, today we ask that You would grant Your people great discernment during this trial. Help us to not be deceived, but to walk in truth regarding the administration of President Donald John Trump.

FACING THE FACTS

Tens of thousands went to DC not to hear Trump speak to be incited to violence. They went because they believed there was massive election voter fraud and those in authority covered it up instead of doing their jobs.

They went to DC to protest blatant lawlessness concerning voter fraud.

PRESIDENT TRUMP INCITED NO ONE.

I watched the speech. The accusers of Trump are covering up the facts about the preplanned Capitol riot. America has been hijacked! Trump supporters are being accused of being domestic terrorists by Biden, and democrats now in

authority. The silence of the Republicans is deafening.

NANCY PELOSI AND MITCH MCCONNELL NEED TO BE INVESTIGATED. WHO WILL HOLD THEM ACCOUNTABLE FOR LACK OF SECURING THE CAPITOL? WERE RIOTS DUE TO THEIR DELIBERATE NEGLIGENCE?

If you believe the election was stolen, and there was Voter Fraud, please contact me via email or sign enclosed petition. We must seek truth. The Lord spoke to me to go to grassroots and demand action. He said NM was our starting state to see voter fraud exposed and justice would be served. His Action Plan was for us to go to or contact via email each Republican county clerk and have them watch the documentary, **Absolute Proof** at <https://michaeljlindell.com/>

Google Michael Lindell then click on top option for absolute proof documentary with expert witnesses explaining how fraud accomplished.

The Lord is taking Intercessors with Insight to a higher call. With so much evil and so many lies controlling the White House, the media, the courts, the Congress, the Justice Dept. Democrat governors, democrat controlled state legislators and RHINO State legislators the spiritual battle is a war against God. Our job as Prayer Warriors is cut out for us. We have stayed on the Wall and prayed specifically as the Holy Spirit led. We are in one mind and one accord. Praise God! O believe it is because of



our unity and faithfulness that God called us to a higher call. If Joe Biden is the Communist China's plan for America and if our elected leaders and Justice department has sold out our nation, we must not throw in the towel. God's Word promises us deliverance if we Faint not. I believe NM holds the key to exposing Voter Fraud. We have prayed over all of the findings, state by state.

The strategy to win this war is being revealed to us daily. Action plans are now revealed as follows. Since our Congress could care less about governing based on the Constitution God must go through another door, The States.

We must remember these are the United States of America NOT the United States of Joe Biden. We are **ONE NATION UNDER GOD, NOT ONE NATION UNDER LIBERAL DEMOCRATS.**

The Lord is taking Intercessors with Insight to a higher call. With so much evil and so many lies controlling the White House, the media, the courts, the Congress, the Justice Dept. Democrat governors, democrat controlled state legislators. and RHINO State legislators the spiritual battle is a war against God. Our job as Prayer Warriors is cut out for us. We have stayed on the Wall and prayed specifically as the Holy Spirit led. We are in one mind and one accord. Praise God! O believe it is because of our unity and faithfulness that God called us to a higher call.

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our Congress could care less about governing based on the Constitution God must go through another door, The States.

We must remember these are the United States of America NOT the United States of Joe Biden. We are ONE NATION

UNDER GOD...NOT ONE NATION UNDER LIBERAL DEMOCRATS.

This week we are going to pray that County Clerks in NM will be contacted and asked to watch Mike's documentary on Voter Fraud. Investigations will start and NM will path the way for the exposure that will take root and expose those in authority covering up the

truth.

Lies and liars will be charged and justice will prevail.....state by state.

NM Counties are listed below to anoint with oil. Contact them and email the Absolute Proof or visit them in person and question their election results. ACTION NOW with God on our side is vital.

DECREE; TRUTH WILL PREVAIL!
THE COUNTY CLERKS OF NEW MEXICO
~ FEBRUARY 2021

NOTE: There are 33 Counties in the State of New Mexico. Of those, 13 Counties have Republican County



Join a team, lead a team!

Host Faye for an Insight Rally
in your city!

Clerks, and 20 Counties have Democrat County Clerks. The Republican County Clerks are listed first – with their contact information. The Democratic County Clerks are listed second; their contact information is not listed at this time, as they would not be helpful to us.

Also, the NM Secretary of State and the NM Attorney General are not listed here, because they are both democrats and a part of the “Santa Fe Cabal,” which includes the governor, the leadership in both the State Senate and the State House of Representatives, and the majority in the State Court System.

REPUBLICAN COUNTY CLERKS OF NEW MEXICO

1. CATRON COUNTY (Reserve, NM) – Ms. Sharon Armijo
sharon.armijo@catroncountynm.gov
575-533-6400; (toll free) 844-804-1690; fax 575-533-6453
P.O. Box 197, Reserve, NM 87830
2. CHAVES COUNTY (Roswell, NM) – Ms. Cindy Fuller
cfuller@co.chaves.nm.us
575-624-6614; fax 575-624-6523
P. O. Box 580, Roswell, NM 88202
3. CURRY COUNTY (Clovis, NM) – Ms. Annie Hogland
ahogland@currycounty.org
575-763-5591; fax 575-763-4232
417 Gidding Street, Suite 130, Clovis, NM 88101
4. HARDING COUNTY (Mosquero, NM) – Mr. C. J. Garrison
hardingcc@plateautel.net
575-673-2301; fax 575-673-2922

35 Pine Street, Mosquero, NM 87733

5. LEA COUNTY (Lovington, NM) – Mr. Keith Manes
kmanes@leacounty.net
575-396-8619; fax 575-396-3293
P.O. Box 1507, Lovington, NM 88260
6. LINCOLN COUNTY (Carrizozo, NM) – Ms. Whitney Whittaker
wwhittaker@lincolncountynm.gov
575-648-2394, ext 130; fax 575-648-2576
P.O. Box 338, Carrizozo, NM 88301
7. LOS ALAMOS COUNTY (Los Alamos, NM) – Ms. Naomi Maestas
naomi.maestas@lacnm.us
505-662-8010; fax 505-662-8008
1000 Central Ave, Suite 240, Los Alamos, NM 87544
8. OTERO COUNTY (Alamogordo, NM) – Ms. Robyn Holmes
rholmes@co.otero.nm.us
5075-437-4942; fax 575-443-2922
1104 N. White Sands Blvd., Suite C, Alamogordo, NM 88310
9. ROOSEVELT COUNTY (Portales, NM) – Ms. Mandi Park
mpark@rooseveltcounty.com
575-356-8562; fax 575-356-3560
109 W. First Street, Lobby Box 4, Portales, NM 88130
10. SAN JUAN COUNTY (Aztec, NM) – Ms. Tanya Shelby
tshelby@sjcounty.net
505-334-9471; FAX 505-334-3635
P.O. Box 550, Aztec. NM 87410

11. SIERRA COUNTY (Truth or Consequences, NM) – Ms. Shelly Trujil

ANOINT EACH COUNTY WITH OIL.....BLOW SHOFAR OVER IT..... CALL FORTH TRUTH TO PREVAIL CONCERNING VOTER FRAUD AND JUSTICE TO BE SERVED.

PRAY FOR CHRISTIANS TO RISE, TAKE A STAND AND ELECT GOD FEARING MEN AND WOMEN WHO OBEY HIS COMMANDMENTS AND CHOOSE LIFE, TO BE ELECTED TO OFFICE.

CAST DOWN EVIL DOERS AND REBUKE THE DEVOUR. BIND BIDEN LIES AND RESIST TAKEOVER OF OIL AND GAS PRODUCTION.

IS BIDEN OPENING BORDERS A THREAT TO OUR NATIONAL SECURITY? IS NM IN DANGER? REBUKE THE PASSAGE OF HB 140 IN STATE LEGISLATURE!

strujillo@sierraco.org

Study: New Mexico could lose billions under federal oil and gas leasing ban
Adrian Hedden
Carlsbad Current-Argus

President Joe Biden's actions to halt new oil and gas leasing on federal land could put more than \$1 billion of New Mexico's revenue at risk, argued the New Mexico Oil and Gas Association (NMOGA) – a trade group representing fossil fuel companies throughout the state. Last week, Biden signed an executive order to temporarily, but without a specified time frame, block oil companies

from acquiring any new leases on federal land. The initiative was meant to address environmental concerns and mitigate the industry's impact on pollution and climate change and allow for the federal government to review such impacts and seek stricter regulations.

UPDATE EMAIL FROM ME Roswell IWI

New Mexico Rep. Yvette Herrell joins bill to block future bans on oil and gas leases But leaders both in New Mexico politics and from the industry quickly condemned the move as potentially devastating the economy of a state that relies heavily on extraction for its bottom line.

Mary Ellen,

I've been in Congress for just one month, and I'm hard at work fighting for our jobs, our security, and our New Mexico way of life. And if there's one thing the Left can't stand, it's strong conservative women holding true to the principles that made America great: limited government, Constitutional rights, and free markets.

So it's no wonder Nancy Pelosi and her liberal allies in New Mexico are already targeting me for defeat in next year's election. Pelosi and her fellow socialists would like nothing more than to make me a one-term congresswoman. But we're not going to let that happen.

More than ever, New Mexico needs conservative representation in Washington to give our communities a common sense voice that shares our values. That's why I'm asking you to stand with me against the liberal attacks

PRAY FOR YVETTE for God to raise her up to be a voice for us..Protect her and bless her.

PRES. TRUMPS ATTORNEYS

Pray for God to give them His plan to totally exonerate President Trump.

Bruce L. Castor, Jr., Esq. – Montgomery County, Pennsylvania –

David Schoen, Esq. – Montgomery, Alabama –

Parshat Mishpatim: Playing out in Washington DC this week.

Inbox

Debra

Mon, Feb 8, 12:35 PM (3 days ago)

The Torah portion last week included the Ten Commandments. When I look at what is happening, I see that so many if not all of the Commandments are being blatantly broken in plain view in this country and being done so in high places of authority. Stealing and Bearing False Witness seem to be extremely evident at this time. This week's Torah portion is Mishpatim which means: laws, ordinances, and judgment. It is a continuation of more laws that follow the giving of the Ten Commandments. It gives practical applications of how to apply common sense judgments to life situations that arise. It is about doing the right thing. The scripture is found in Exodus 21:1 through 24:18.

We are witnessing stealing at the highest level with denial of that theft

which is so obvious. We are seeing so many bearing false witness for evil purposes and to hide their own guilt. The things happening in Washington DC in the Supreme Court, Congress, and the White House are surreal and demonic with corruption at an all-time high. American Patriots are slandered and punished while those destroying our country get off Scot-free. Evil is taking place inside those barricades with only a few defending the Republic from behind barbed wire.

G-d is watching and I do not think that He is going to let this continue much longer. Hold fast to what you know is true and do not believe lies. Brace yourselves and pray. The entire world is counting on us.

YOUR FINANCIAL SUPPORT IS SO NEEDED THIS WEEK. PLEASE SOW YOUR BEST SEED FOR AMERICA'S SAKE.

MAY THE LORD BLESS YOU BACK
100 FOLD IN THE SAME YEAR.

LOVE AND APPRECIATE YOU!

Faye

Last week I received a text from Carol, Albuquerque IWI. It made me sick! After we began to pray and expose this the enclosed newspaper article appeared and IWI, Earl saw it and sent to Faye, More next week.

HOUSE BILL 140
55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021
INTRODUCED BY
Karen C. Bash

HOUSE BILL 140
55TH LEGISLATURE - STATE OF NEW
MEXICO - FIRST SESSION, 2021
INTRODUCED BY
Karen C. Bash

AN ACT
RELATING TO SENTENCING; ELIMINATING
CERTAIN MANDATORY MINIMUM
SENTENCES.

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

SECTION 1. Section 17-2-10 NMSA 1978
(being Laws 1931, Chapter 117, Section 7, as
amended) is amended to read:

“17-2-10. VIOLATION OF GAME AND FISH
LAWS OR RULES-- PENALTIES.-

A. A person violating any of the provisions
of Chapter 17 NMSA 1978, except for the
felony provision of Section 17-2-8 NMSA
1978, or any rules adopted by the state game
commission that relate to the time, extent,
means or manner that game animals, birds or
fish may be hunted, taken, captured, killed,
possessed, sold, purchased or shipped is guilty
of a misdemeanor and upon conviction shall be
sentenced pursuant to Section 31-19-1 NMSA
1978. In addition, the person shall be sentenced
to the payment of a fine in accordance with the
following schedule:

(1) for illegally taking, attempting to take, killing,
capturing or possessing of each deer, antelope,
javelina, bear or cougar during a closed season,
a fine of four hundred dollars (\$400);

(2) for illegally taking, attempting to take, killing,
capturing or possessing of each elk, bighorn
sheep, oryx, ibex or Barbary sheep, a fine of
one thousand dollars (\$1,000);

(3) for hunting big game without a proper and
valid license, lawfully procured, a fine of one
hundred dollars (\$100);

(4) for exceeding the bag limit of any big game
species, a fine of four hundred dollars (\$400);

(5) for attempting to exceed the bag limit of
any big game species by the hunting of any big
game animal after having tagged a similar big
game species, a fine of two hundred dollars
(\$200);

(6) for signing a false statement to procure a
resident hunting or fishing license when the
applicant is residing in another state at the
time of application for a license, a fine of four
hundred dollars (\$400);

(7) for using a hunting or fishing license issued
to another person, a fine of one hundred dollars
(\$100);

(8) for a violation of Section 17-2-31 NMSA
1978, a fine of three hundred dollars (\$300);

(9) for selling, offering for sale, offering to
purchase or purchasing any big game animal,
unless otherwise provided by Chapter 17 NMSA
1978, a fine of one thousand dollars (\$1,000);

(10) for illegally taking, attempting to take,
killing, capturing or possessing of each jaguar,
a fine of two thousand dollars (\$2,000); and

(11) for a violation of the provisions of
Subsection A of Section 17-2A-3 NMSA 1978, a
fine of five hundred dollars (\$500).

B. A person convicted a second time for
violating any of the provisions of Chapter 17
NMSA 1978, except for the felony provision

of Section 17-2-8 NMSA 1978, or any rules adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to Section 31-19-1 NMSA 1978. In addition, the person shall be sentenced to the payment of a fine in accordance with the following schedule:

(1) for illegally taking, attempting to take, killing, capturing or possessing of each deer, antelope, javelina, bear or cougar during a closed season, a fine of six hundred dollars (\$600);

(2) for illegally taking, attempting to take, killing, capturing or possessing of each elk, bighorn sheep, oryx, ibex or Barbary sheep, a fine of one thousand five hundred dollars (\$1,500);

(3) for hunting big game without a proper and valid license, lawfully procured, a fine of four hundred dollars (\$400);

(4) for exceeding the bag limit of any big game species, a fine of six hundred dollars (\$600);

(5) for attempting to exceed the bag limit of any big game species by the hunting of any big game animal after having tagged a similar big game species, a fine of six hundred dollars (\$600);

(6) for signing a false statement to procure a resident hunting or fishing license when the applicant is residing in another state at the time of application for a license, a fine of six hundred dollars (\$600);

(7) for using a hunting or fishing license issued

to another person, a fine of two hundred fifty dollars (\$250);

(8) for a violation of Section 17-2-31 NMSA 1978, a fine of five hundred dollars (\$500);

(9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of one thousand five hundred dollars (\$1,500);

(10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of four thousand dollars (\$4,000); and

(11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of one thousand dollars (\$1,000).

C. [Notwithstanding the provisions of Section 31-18-13 NMSA 1978] A person convicted a third or subsequent time for violating any of the provisions of Chapter 17 NMSA 1978, except for the felony provision of Section 17-2-8 NMSA 1978, or any rules adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped is guilty of a misdemeanor and upon conviction shall be sentenced to imprisonment in the county jail for a term of not less than ninety days [which shall not be suspended or deferred]. In addition, the person shall be sentenced to the payment of a fine in accordance with the following schedule:

(1) for illegally taking, attempting to take, killing, capturing or possessing of each deer, antelope, javelina, bear or cougar during a closed season, a fine of one thousand two hundred dollars (\$1,200);

(2) for illegally taking, attempting to take, killing, capturing or possessing of each elk, bighorn sheep, oryx, ibex or Barbary sheep, a fine of three thousand dollars (\$3,000);

(3) for hunting big game without a proper and valid license, lawfully procured, a fine of one thousand dollars (\$1,000);

(4) for exceeding the bag limit of any big game species, a fine of one thousand two hundred dollars (\$1,200);

(5) for attempting to exceed the bag limit of any big game species by the hunting of any big game animal after having tagged a similar big game species, a fine of one thousand dollars (\$1,000);

(6) for signing a false statement to procure a resident hunting or fishing license when the applicant is residing in another state at the time of application for a license, a fine of one thousand two hundred dollars (\$1,200);

(7) for using a hunting or fishing license issued to another person, a fine of one thousand dollars (\$1,000);

(8) for a violation of Section 17-2-31 NMSA 1978, a fine of one thousand dollars (\$1,000);

(9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of three thousand dollars (\$3,000);

(10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of six thousand dollars (\$6,000); and

(11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of two thousand dollars (\$2,000).

D. A person who is convicted of a violation of any rules adopted by the state game commission or of a violation of any of the provisions of Chapter 17 NMSA 1978, except for the felony provision of Section 17-2-8 NMSA 1978, for which a punishment is not set forth under this section, is a misdemeanor and shall be fined or imprisoned pursuant to Section 31-19-1 NMSA 1978.

E. The provisions of this section shall not be interpreted to prevent, constrain or penalize a Native American for engaging in activities for religious purposes, as provided in Section 17-2-14 or 17-2-41 NMSA 1978.

F. The provisions of this section shall not apply to a landowner or lessee, or employee of either of them, who kills an animal on private land, in which they have an ownership or leasehold interest, that is threatening human life or damaging or destroying property, including crops; provided, however, that the killing is reported to the department of game and fish within twenty-four hours and before the removal of the carcass of the animal killed; and provided further that all actions authorized in this subsection are carried out according to rules of the department."

SECTION 2. Section 30-9-11 NMSA 1978 (being Laws 1975, Chapter 109, Section 2, as amended) is amended to read:

"30-9-11. CRIMINAL SEXUAL PENETRATION.--

A. Criminal sexual penetration is the unlawful and intentional causing of a person to engage in

sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.

B. Criminal sexual penetration does not include medically indicated procedures.

C. Aggravated criminal sexual penetration consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal sexual penetration.

D. Criminal sexual penetration in the first degree consists of all criminal sexual penetration perpetrated:

(1) on a child under thirteen years of age; or

(2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.

E. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:

(1) by the use of force or coercion on a child thirteen to eighteen years of age;

(2) on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate;

(3) by the use of force or coercion that results in

personal injury to the victim;

(4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons;

(5) in the commission of any other felony; or

(6) when the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual penetration in the second degree is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child [and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of the Criminal Sentencing Act].

F. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section.

Whoever commits criminal sexual penetration in the third degree is guilty of a third degree felony.

G. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:

(1) not defined in Subsections D through F of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or

(2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is

HOUSE BILL 140
55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
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HOUSE BILL 140
55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

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Karen C. Bash

AN ACT RELATING TO SENTENCING;
ELIMINATING CERTAIN MANDATORY
MINIMUM SENTENCES.

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

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A. A person violating any of the provisions
of Chapter 17 NMSA 1978, except for the
felony provision of Section 17-2-8 NMSA

1978, or any rules adopted by the state game
commission that relate to the time, extent,
means or manner that game animals, birds or
fish may be hunted, taken, captured, killed,
possessed, sold, purchased or shipped is guilty
of a misdemeanor and upon conviction shall be
sentenced pursuant to Section 31-19-1 NMSA
1978. In addition, the person shall be sentenced
to the payment of a fine in accordance with the
following schedule:

(1) for illegally taking, attempting to take, killing,
capturing or possessing of each deer, antelope,
javelina, bear or cougar during a closed season,
a fine of four hundred dollars (\$400);

(2) for illegally taking, attempting to take, killing,
capturing or possessing of each elk, bighorn
sheep, oryx, ibex or Barbary sheep, a fine of
one thousand dollars (\$1,000);

(3) for hunting big game without a proper and
valid license, lawfully procured, a fine of one
hundred dollars (\$100);

(4) for exceeding the bag limit of any big game
species, a fine of four hundred dollars (\$400);

(5) for attempting to exceed the bag limit of
any big game species by the hunting of any big
game animal after having tagged a similar big
game species, a fine of two hundred dollars
(\$200);

(6) for signing a false statement to procure a
resident hunting or fishing license when the
applicant is residing in another state at the
time of application for a license, a fine of four
hundred dollars (\$400);

(7) for using a hunting or fishing license issued
to another person, a fine of one hundred dollars

(\$100);

(8) for a violation of Section 17-2-31 NMSA 1978, a fine of three hundred dollars (\$300);

(9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of one thousand dollars (\$1,000);

(10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of two thousand dollars (\$2,000); and

(11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of five hundred dollars (\$500).

B. A person convicted a second time for violating any of the provisions of Chapter 17 NMSA 1978, except for the felony provision of Section 17-2-8 NMSA 1978, or any rules adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to Section 31-19-1 NMSA 1978. In addition, the person shall be sentenced to the payment of a fine in accordance with the following schedule:

(1) for illegally taking, attempting to take, killing, capturing or possessing of each deer, antelope, javelina, bear or cougar during a closed season, a fine of six hundred dollars (\$600);

(2) for illegally taking, attempting to take, killing, capturing or possessing of each elk, bighorn sheep, oryx, ibex or Barbary sheep, a fine of one thousand five hundred dollars (\$1,500);

(3) for hunting big game without a proper and valid license, lawfully procured, a fine of four hundred dollars (\$400);

(4) for exceeding the bag limit of any big game species, a fine of six hundred dollars (\$600);

(5) for attempting to exceed the bag limit of any big game species by the hunting of any big game animal after having tagged a similar big game species, a fine of six hundred dollars (\$600);

(6) for signing a false statement to procure a resident hunting or fishing license when the applicant is residing in another state at the time of application for a license, a fine of six hundred dollars (\$600);

(7) for using a hunting or fishing license issued to another person, a fine of two hundred fifty dollars (\$250);

(8) for a violation of Section 17-2-31 NMSA 1978, a fine of five hundred dollars (\$500);

(9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of one thousand five hundred dollars (\$1,500);

(10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of four thousand dollars (\$4,000); and

(11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of one thousand dollars (\$1,000).

C. [Notwithstanding the provisions of Section

31-18-13 NMSA 1978] A person convicted a third or subsequent time for violating any of the provisions of Chapter 17 NMSA 1978, except for the felony provision of Section 17-2-8 NMSA 1978, or any rules adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped is guilty of a misdemeanor and upon conviction shall be sentenced to imprisonment in the county jail for a term of not less than ninety days [which shall not be suspended or deferred]. In addition, the person shall be sentenced to the payment of a fine in accordance with the following schedule:

(1) for illegally taking, attempting to take, killing, capturing or possessing of each deer, antelope, javelina, bear or cougar during a closed season, a fine of one thousand two hundred dollars (\$1,200);

(2) for illegally taking, attempting to take, killing, capturing or possessing of each elk, bighorn sheep, oryx, ibex or Barbary sheep, a fine of three thousand dollars (\$3,000);

(3) for hunting big game without a proper and valid license, lawfully procured, a fine of one thousand dollars (\$1,000);

(4) for exceeding the bag limit of any big game species, a fine of one thousand two hundred dollars (\$1,200);

(5) for attempting to exceed the bag limit of any big game species by the hunting of any big game animal after having tagged a similar big game species, a fine of one thousand dollars (\$1,000);

(6) for signing a false statement to procure a

resident hunting or fishing license when the applicant is residing in another state at the time of application for a license, a fine of one thousand two hundred dollars (\$1,200);

(7) for using a hunting or fishing license issued to another person, a fine of one thousand dollars (\$1,000);

(8) for a violation of Section 17-2-31 NMSA 1978, a fine of one thousand dollars (\$1,000);

(9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of three thousand dollars (\$3,000);

(10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of six thousand dollars (\$6,000); and

(11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of two thousand dollars (\$2,000).

D. A person who is convicted of a violation of any rules adopted by the state game commission or of a violation of any of the provisions of Chapter 17 NMSA 1978, except for the felony provision of Section 17-2-8 NMSA 1978, for which a punishment is not set forth under this section, is a misdemeanor and shall be fined or imprisoned pursuant to Section 31-19-1 NMSA 1978.

E. The provisions of this section shall not be interpreted to prevent, constrain or penalize a Native American for engaging in activities for religious purposes, as provided in Section 17-2-14 or 17-2-41 NMSA 1978.

F. The provisions of this section shall not apply

to a landowner or lessee, or employee of either of them, who kills an animal on private land, in which they have an ownership or leasehold interest, that is threatening human life or damaging or destroying property, including crops; provided, however, that the killing is reported to the department of game and fish within twenty-four hours and before the removal of the carcass of the animal killed; and provided further that all actions authorized in this subsection are carried out according to rules of the department.”

SECTION 2. Section 30-9-11 NMSA 1978 (being Laws 1975, Chapter 109, Section 2, as amended) is amended to read:

“30-9-11. CRIMINAL SEXUAL PENETRATION.--

A. Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.

B. Criminal sexual penetration does not include medically indicated procedures.

C. Aggravated criminal sexual penetration consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal sexual penetration.

D. Criminal sexual penetration in the first degree consists of all criminal sexual penetration perpetrated:

(1) on a child under thirteen years of age; or

(2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.

E. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:

(1) by the use of force or coercion on a child thirteen to eighteen years of age;

(2) on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate;

(3) by the use of force or coercion that results in personal injury to the victim;

(4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons;

(5) in the commission of any other felony; or

(6) when the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual penetration in the second degree is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child [and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of the Criminal Sentencing Act].

F. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section.

Whoever commits criminal sexual penetration in the third degree is guilty of a third degree felony.

G. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:

(1) not defined in Subsections D through F of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or

(2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.”

SECTION 3. Section 30-9-13 NMSA 1978 (being Laws 1975, Chapter 109, Section 4, as amended) is amended to read:

“30-9-13. CRIMINAL SEXUAL CONTACT OF A MINOR.--

A. Criminal sexual contact of a minor is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one’s intimate parts. For the purposes of this section, “intimate parts” means the primary genital area, groin, buttocks, anus or breast.

B. Criminal sexual contact of a minor in the second degree consists of all criminal sexual contact of the unclothed intimate parts of a minor perpetrated:

(1) on a child under thirteen years of age; or

(2) on a child thirteen to eighteen years of age when:

(a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit;

(b) the perpetrator uses force or coercion that results in personal injury to the child;

(c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or

(d) the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual contact of a minor in the second degree is guilty of a second degree felony for a sexual offense against a child [and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of Sections 31-18-17, 31-18-25 and 31-18-26 NMSA 1978].

C. Criminal sexual contact of a minor in the third degree consists of all criminal sexual contact of a minor perpetrated:

(1) on a child under thirteen years of age; or

(2) on a child thirteen to eighteen years of age when:

(a) the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit;

(b) the perpetrator uses force or coercion [which] that results in personal injury to the child;

(c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or

(d) the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual contact of a minor in the third degree is guilty of a third degree felony for a sexual offense against a child.

D. Criminal sexual contact of a minor in the fourth degree consists of all criminal sexual contact:

(1) not defined in Subsection C of this section, of a child thirteen to eighteen years of age perpetrated with force or coercion; or

(2) of a minor perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual contact in the fourth degree is guilty of a fourth degree felony.”

SECTION 4. Section 31-18-17 NMSA 1978 (being Laws 1977, Chapter 216, Section 6, as amended) is amended to read:

“31-18-17. HABITUAL OFFENDERS--
ALTERATION OF BASIC SENTENCE.--

A. A person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred one prior felony conviction that was part of a separate transaction or occurrence or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and [his] the habitual offender’s

basic sentence shall be increased by one year. [The sentence imposed pursuant to this subsection shall not be suspended or deferred, unless the court makes a specific finding that the prior felony conviction and the instant felony conviction are both for nonviolent felony offenses and that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to this subsection.]

B. A person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred two prior felony convictions that were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and [his] the habitual offender’s basic sentence shall be increased by four years. [The sentence imposed by this subsection shall not be suspended or deferred.]

C. A person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred three or more prior felony convictions that were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and [his] the habitual offender’s basic sentence shall be increased by eight years. [The sentence imposed by this subsection shall not be suspended or deferred.]

D. As used in this section, “prior felony conviction” means:

(1) a conviction, when less than ten years have passed prior to the instant felony conviction since the person completed serving [his] the sentence or period of probation or parole for the prior felony, whichever is later, for a prior felony committed within New Mexico

whether within the Criminal Code or not, but not including a conviction for a felony pursuant to the provisions of Section 66-8-102 NMSA 1978; or

(2) a prior felony, when less than ten years have passed prior to the instant felony conviction since the person completed serving [his] the sentence or period of probation or parole for the prior felony, whichever is later, for which the person was convicted other than an offense triable by court martial if:

(a) the conviction was rendered by a court of another state, the United States, a territory of the United States or the commonwealth of Puerto Rico;

(b) the offense was punishable, at the time of conviction, by death or a maximum term of imprisonment of more than one year; or

(c) the offense would have been classified as a felony in this state at the time of conviction.

E. As used in this section, “nonviolent felony offense” means application of force, threatened use of force or a deadly weapon was not used by the offender in the commission of the offense.”

SECTION 5. Section 31-18-23 NMSA 1978 (being Laws 1994, Chapter 24, Section 2, as amended) is amended to read:

“31-18-23. THREE VIOLENT FELONY CONVICTIONS--[MANDATORY] LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a third violent felony, and each violent felony conviction is part of a separate transaction or occurrence, and at least the third violent felony conviction is in New Mexico, the defendant [shall], in addition to the sentence imposed for the third violent conviction, may be punished by a sentence of life imprisonment. The life imprisonment sentence shall be subject to parole pursuant to the provisions of Section 31-

21-10 NMSA 1978.

B. The sentence of life imprisonment shall be imposed after a sentencing hearing, separate from the trial or guilty plea proceeding resulting in the third violent felony conviction, pursuant to the provisions of Section 31-18-24 NMSA 1978.

C. For the purpose of this section, a violent felony conviction incurred by a defendant before the defendant reaches the age of eighteen shall not count as a violent felony conviction.

D. When a defendant has a felony conviction from another state, the felony conviction shall be considered a violent felony for the purposes of the Criminal Sentencing Act if that crime would be considered a violent felony in New Mexico.

E. As used in the Criminal Sentencing Act:

(1) “great bodily harm” means an injury to the person that creates a high probability of death or that causes serious disfigurement or that results in permanent loss or impairment of the function of any member or organ of the body; and

(2) “violent felony” means:

(a) murder in the first or second degree, as provided in Section 30-2-1 NMSA 1978;

(b) shooting at or from a motor vehicle resulting in great bodily harm, as provided in Subsection B of Section 30-3-8 NMSA 1978;

(c) kidnapping resulting in great bodily harm inflicted upon the victim by the victim’s captor, as provided in Subsection B of Section 30-4-1 NMSA 1978;

(d) criminal sexual penetration, as provided in Subsection C or D or Paragraph (5) or (6) of Subsection E of Section 30-9-11 NMSA 1978; and

(e) robbery while armed with a deadly weapon resulting in great bodily harm as provided in Section 30-16-2 NMSA 1978 and Subsection A of Section 30-1-12 NMSA 1978.”

SECTION 6. Section 31-18-25 NMSA 1978 (being Laws 1996, Chapter 79, Section 1, as amended) is amended to read:

“31-18-25. TWO VIOLENT SEXUAL OFFENSE CONVICTIONS--[MANDATORY] LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a second violent sexual offense, and each violent sexual offense conviction is part of a separate transaction or occurrence, and at least the second violent sexual offense conviction is in New Mexico, the defendant [shall], in addition to the punishment imposed for the second violent sexual offense conviction, may be punished by a sentence of life imprisonment. The life imprisonment sentence shall be subject to parole pursuant to the provisions of Section 31-21-10 NMSA 1978.

B. Notwithstanding the provisions of Subsection A of this section, when a defendant is convicted of a second violent sexual offense, and each violent sexual offense conviction is part of a separate transaction or occurrence, and the victim of each violent sexual offense was less than thirteen years of age at the time of the offense, and at least the second violent sexual offense conviction is in New Mexico, the defendant [shall] may be punished by a sentence of life imprisonment without the possibility of parole.

C. The sentence of life imprisonment shall be imposed after a sentencing hearing, separate from the trial or guilty plea proceeding resulting in the second violent sexual offense conviction, pursuant to the provisions of Section 31-18-26 NMSA 1978.

D. For the purposes of this section, a violent sexual offense conviction incurred by

a defendant before the defendant reaches the age of eighteen shall not count as a violent sexual offense conviction.

E. When a defendant has a felony conviction from another state, the felony conviction shall be considered a violent sexual offense for the purposes of the Criminal Sentencing Act if the crime would be considered a violent sexual offense in New Mexico.

F. As used in the Criminal Sentencing Act, “violent sexual offense” means:

(1) criminal sexual penetration in the first degree, as provided in Subsection D of Section 30-9-11 NMSA 1978; or

(2) criminal sexual penetration in the second degree, as provided in Subsection E of Section 30-9-11 NMSA 1978.”

SECTION 7. Section 31-20-3 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-15, as amended) is amended to read:

“31-20-3. ORDER DEFERRING OR SUSPENDING SENTENCE--DIAGNOSTIC COMMITMENT.--Upon entry of a judgment of conviction of any crime not constituting a capital [or first degree] felony, any court having jurisdiction, when it is satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may either:

A. enter an order deferring the imposition of sentence;

B. sentence the defendant and enter an order suspending in whole or in part the execution of the sentence; or

C. commit the convicted person, if convicted of a felony and not committed for diagnostic purposes within the twelve-month period immediately preceding that conviction, to the [department of] corrections department for an indeterminate period not to exceed sixty days for purposes of diagnosis, with direction that the court be given a report when the

diagnosis is complete as to what disposition appears best when the interest of the public and the individual are evaluated.”

SECTION 8. Section 40-13-6 NMSA 1978 (being Laws 1987, Chapter 286, Section 6, as amended) is amended to read:

“40-13-6. SERVICE OF ORDER--
DURATION--PENALTY--REMEDIES NOT
EXCLUSIVE.--

A. An order of protection granted under the Family Violence Protection Act shall be filed with the clerk of the court, and a copy shall be sent by the clerk to the local law enforcement agency. The order shall be personally served upon the restrained party, unless the restrained party or the restrained party’s attorney was present at the time the order was issued. The order shall be filed and served without cost to the protected party.

B. A local law enforcement agency receiving an order of protection from the clerk of the court that was issued under the Family Violence Protection Act shall have the order entered in the national crime information center’s order of protection file within seventy-two hours of receipt. This does not include temporary orders of protection entered pursuant to the provisions of Section 40-13-4 NMSA 1978.

C. An order of protection granted by the court involving custody or support shall be effective for a fixed period of time not to exceed six months. The order may be extended for good cause upon motion of the protected party for an additional period of time not to exceed six months. Injunctive orders shall continue until modified or rescinded upon motion by either party or until the court approves a subsequent consent agreement entered into by the parties.

D. A peace officer may arrest without a warrant and take into custody a restrained party whom the peace officer has probable cause

to believe has violated an order of protection that is issued pursuant to the Family Violence Protection Act or entitled to full faith and credit.

E. A restrained party convicted of violating an order of protection granted by a court under the Family Violence Protection Act is guilty of a misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978. [Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement.]

F. In addition to any other punishment provided in the Family Violence Protection Act, the court shall order a person convicted to make full restitution to the party injured by the violation of an order of protection and shall order the person convicted to participate in and complete a program of professional counseling, at the person’s own expense, if possible.

G. In addition to charging the person with violating an order of protection, a peace officer shall file all other possible criminal charges arising from an incident of domestic abuse when probable cause exists.

H. The remedies provided in the Family Violence Protection Act are in addition to any other civil or criminal remedy available to the protected party or the state.”

SECTION 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.

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at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual

penetration in the fourth degree is guilty of a fourth degree felony.”

SECTION 3. Section 30-9-13 NMSA 1978 (being Laws 1975, Chapter 109, Section 4, as amended) is amended to read:

“30-9-13. CRIMINAL SEXUAL CONTACT OF A MINOR.--

A. Criminal sexual contact of a minor is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one’s intimate parts. For the purposes of this section, “intimate parts” means the primary genital area, groin, buttocks, anus or breast.

B. Criminal sexual contact of a minor in the second degree consists of all criminal sexual contact of the unclothed intimate parts of a minor perpetrated:

(1) on a child under thirteen years of age; or

(2) on a child thirteen to eighteen years of age when:

(a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit;

(b) the perpetrator uses force or coercion that results in personal injury to the child;

(c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or

(d) the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual contact of a minor in the second degree is guilty of a second degree felony for a sexual offense against a child [and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of

a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of Sections 31-18-17, 31-18-25 and 31-18-26 NMSA 1978].

C. Criminal sexual contact of a minor in the third degree consists of all criminal sexual contact of a minor perpetrated:

(1) on a child under thirteen years of age; or

(2) on a child thirteen to eighteen years of age when:

(a) the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit;

(b) the perpetrator uses force or coercion [which] that results in personal injury to the child;

(c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or

(d) the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual contact of a minor in the third degree is guilty of a third degree felony for a sexual offense against a child.

D. Criminal sexual contact of a minor in the fourth degree consists of all criminal sexual contact:

(1) not defined in Subsection C of this section, of a child thirteen to eighteen years of age perpetrated with force or coercion; or

(2) of a minor perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse

of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual contact in the fourth degree is guilty of a fourth degree felony.”

SECTION 4. Section 31-18-17 NMSA 1978 (being Laws 1977, Chapter 216, Section 6, as amended) is amended to read:

“31-18-17. HABITUAL OFFENDERS--
ALTERATION OF BASIC SENTENCE.--

A. A person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred one prior felony conviction that was part of a separate transaction or occurrence or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and [his] the habitual offender’s basic sentence shall be increased by one year. [The sentence imposed pursuant to this subsection shall not be suspended or deferred, unless the court makes a specific finding that the prior felony conviction and the instant felony conviction are both for nonviolent felony offenses and that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to this subsection.]

B. A person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred two prior felony convictions that were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and [his] the habitual offender’s basic sentence shall be increased by four years. [The sentence imposed by this subsection shall not be suspended or deferred.]

C. A person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred three or more prior felony convictions that were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and [his] the habitual offender’s basic sentence shall be increased by eight years. [The sentence imposed by this subsection shall not be suspended or deferred.]

D. As used in this section, “prior felony conviction” means:

(1) a conviction, when less than ten years have passed prior to the instant felony conviction since the person completed serving [his] the sentence or period of probation or parole for the prior felony, whichever is later, for a prior felony committed within New Mexico whether within the Criminal Code or not, but not including a conviction for a felony pursuant to the provisions of Section 66-8-102 NMSA 1978; or

(2) a prior felony, when less than ten years have passed prior to the instant felony conviction since the person completed serving [his] the sentence or period of probation or parole for the prior felony, whichever is later, for which the person was convicted other than an offense triable by court martial if:

(a) the conviction was rendered by a court of another state, the United States, a territory of the United States or the commonwealth of Puerto Rico;

(b) the offense was punishable, at the time of conviction, by death or a maximum term of imprisonment of more than one year; or

(c) the offense would have been classified as a felony in this state at the time of conviction.

E. As used in this section, “nonviolent felony offense” means application of force,

threatened use of force or a deadly weapon was not used by the offender in the commission of the offense.”

SECTION 5. Section 31-18-23 NMSA 1978 (being Laws 1994, Chapter 24, Section 2, as amended) is amended to read:

“31-18-23. THREE VIOLENT FELONY CONVICTIONS--[MANDATORY] LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a third violent felony, and each violent felony conviction is part of a separate transaction or occurrence, and at least the third violent felony conviction is in New Mexico, the defendant [shall], in addition to the sentence imposed for the third violent conviction, may be punished by a sentence of life imprisonment. The life imprisonment sentence shall be subject to parole pursuant to the provisions of Section 31-21-10 NMSA 1978.

B. The sentence of life imprisonment shall be imposed after a sentencing hearing, separate from the trial or guilty plea proceeding resulting in the third violent felony conviction, pursuant to the provisions of Section 31-18-24 NMSA 1978.

C. For the purpose of this section, a violent felony conviction incurred by a defendant before the defendant reaches the age of eighteen shall not count as a violent felony conviction.

D. When a defendant has a felony conviction from another state, the felony conviction shall be considered a violent felony for the purposes of the Criminal Sentencing Act if that crime would be considered a violent felony in New Mexico.

E. As used in the Criminal Sentencing Act:

(1) “great bodily harm” means an injury to the person that creates a high probability of death or that causes serious

disfigurement or that results in permanent loss or impairment of the function of any member or organ of the body; and

(2) “violent felony” means:

(a) murder in the first or second degree, as provided in Section 30-2-1 NMSA 1978;

(b) shooting at or from a motor vehicle resulting in great bodily harm, as provided in Subsection B of Section 30-3-8 NMSA 1978;

(c) kidnapping resulting in great bodily harm inflicted upon the victim by the victim’s captor, as provided in Subsection B of Section 30-4-1 NMSA 1978;

(d) criminal sexual penetration, as provided in Subsection C or D or Paragraph (5) or (6) of Subsection E of Section 30-9-11 NMSA 1978; and

(e) robbery while armed with a deadly weapon resulting in great bodily harm as provided in Section 30-16-2 NMSA 1978 and Subsection A of Section 30-1-12 NMSA 1978.”

SECTION 6. Section 31-18-25 NMSA 1978 (being Laws 1996, Chapter 79, Section 1, as amended) is amended to read:

“31-18-25. TWO VIOLENT SEXUAL OFFENSE CONVICTIONS--[MANDATORY] LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a second violent sexual offense, and each violent sexual offense conviction is part of a separate transaction or occurrence, and at least the second violent sexual offense conviction is in New Mexico, the defendant [shall], in addition to the punishment imposed for the second violent sexual offense conviction, may be punished by a sentence of life imprisonment. The life imprisonment sentence shall be subject to parole pursuant to the provisions of Section 31-21-10 NMSA 1978.

B. Notwithstanding the provisions of

Subsection A of this section, when a defendant is convicted of a second violent sexual offense, and each violent sexual offense conviction is part of a separate transaction or occurrence, and the victim of each violent sexual offense was less than thirteen years of age at the time of the offense, and at least the second violent sexual offense conviction is in New Mexico, the defendant [shall] may be punished by a sentence of life imprisonment without the possibility of parole.

C. The sentence of life imprisonment shall be imposed after a sentencing hearing, separate from the trial or guilty plea proceeding resulting in the second violent sexual offense conviction, pursuant to the provisions of Section 31-18-26 NMSA 1978.

D. For the purposes of this section, a violent sexual offense conviction incurred by a defendant before the defendant reaches the age of eighteen shall not count as a violent sexual offense conviction.

E. When a defendant has a felony conviction from another state, the felony conviction shall be considered a violent sexual offense for the purposes of the Criminal Sentencing Act if the crime would be considered a violent sexual offense in New Mexico.

F. As used in the Criminal Sentencing Act, "violent sexual offense" means:

(1) criminal sexual penetration in the first degree, as provided in Subsection D of Section 30-9-11 NMSA 1978; or

(2) criminal sexual penetration in the second degree, as provided in Subsection E of Section 30-9-11 NMSA 1978."

SECTION 7. Section 31-20-3 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-15, as amended) is amended to read:

"31-20-3. ORDER DEFERRING OR SUSPENDING SENTENCE--DIAGNOSTIC COMMITMENT.--Upon entry of a judgment

of conviction of any crime not constituting a capital [or first degree] felony, any court having jurisdiction, when it is satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may either:

A. enter an order deferring the imposition of sentence;

B. sentence the defendant and enter an order suspending in whole or in part the execution of the sentence; or

C. commit the convicted person, if convicted of a felony and not committed for diagnostic purposes within the twelve-month period immediately preceding that conviction, to the [department of] corrections department for an indeterminate period not to exceed sixty days for purposes of diagnosis, with direction that the court be given a report when the diagnosis is complete as to what disposition appears best when the interest of the public and the individual are evaluated."

SECTION 8. Section 40-13-6 NMSA 1978 (being Laws 1987, Chapter 286, Section 6, as amended) is amended to read:

"40-13-6. SERVICE OF ORDER--DURATION--PENALTY--REMEDIES NOT EXCLUSIVE.--

A. An order of protection granted under the Family Violence Protection Act shall be filed with the clerk of the court, and a copy shall be sent by the clerk to the local law enforcement agency. The order shall be personally served upon the restrained party, unless the restrained party or the restrained party's attorney was present at the time the order was issued. The order shall be filed and served without cost to the protected party.

B. A local law enforcement agency receiving an order of protection from the clerk of the court that was issued under the Family Violence Protection Act shall have the order

entered in the national crime information center's order of protection file within seventy-two hours of receipt. This does not include temporary orders of protection entered pursuant to the provisions of Section 40-13-4 NMSA 1978.

C. An order of protection granted by the court involving custody or support shall be effective for a fixed period of time not to exceed six months. The order may be extended for good cause upon motion of the protected party for an additional period of time not to exceed six months. Injunctive orders shall continue until modified or rescinded upon motion by either party or until the court approves a subsequent consent agreement entered into by the parties.

D. A peace officer may arrest without a warrant and take into custody a restrained party whom the peace officer has probable cause to believe has violated an order of protection that is issued pursuant to the Family Violence Protection Act or entitled to full faith and credit.

E. A restrained party convicted of violating an order of protection granted by a court under the Family Violence Protection Act is guilty of a misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978. [Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement.]

F. In addition to any other punishment provided in the Family Violence Protection Act, the court shall order a person convicted to make full restitution to the party injured by the violation of an order of protection and shall order the person convicted to participate in and complete a program of professional counseling, at the person's own expense, if possible.

G. In addition to charging the person with violating an order of protection, a peace officer

shall file all other possible criminal charges arising from an incident of domestic abuse when probable cause exists.

H. The remedies provided in the Family Violence Protection Act are in addition to any other civil or criminal remedy available to the protected party or the state."

SECTION 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.

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