
Bill Analysis 2020 Regular Session**SPONSOR:** Representatives Akhil, Garratt, Ely, and Figueroa**SHORT TITLE:** CRIME OF ILLEGALLY DISMANTLING VEHICLES

SYNOPSIS OF BILL: Creates third and fourth degree felonies for maintaining, or transferring vehicles to/from, a “chop-shop.” At its most basic, the bill defines chop shop as a place where a motor vehicle (or “major component” of a motor vehicle), which was obtained without the owner’s permission, is held for purpose of being used or sold. Beyond holding the motor vehicle, the bill includes language about disassembling the vehicle.

STRENGTHS: Automobile burglary and theft is an issue in many of our communities and addressing it is important.

WEAKNESSES: This bill complicates New Mexico’s property laws, which already criminalizes stealing and destroying property, including motor vehicles. Duplicating laws which are already in effect for person who dismantle stole cars is unnecessary. Chop Shop owners and people who keep themselves separated from the day-to-day operations are also already liable for conspiracy and racketeering. In addition, the chop-shop bill fails to take into account valuation of the stolen property, meaning that holding even a near-worthless part of a motor vehicle is a felony.

- It is a crime in New Mexico to possess stolen property NMSA 30-16-11 (Receiving Stolen Property, felony is over \$500)
- It is a crime in New Mexico to damage someone else’s property NMSA 30-15-1 (criminal damage to property, felony if over \$1,000)
- It is a felony in New Mexico to receive, transfer, or possess a stolen vehicle. NMSA 30-16D-4
- It is a crime in New Mexico to tamper with evidence by altering a stolen car’s identifying information NMSA 30-22-5 (Tampering with Evidence, which is a felony when the evidence was of a felony crime)
- It is a crime to assist a person in committing any of the above crimes. In New Mexico a person who assists in a crime is guilty as if they committed the crime themselves NMSA 30-1-13 (Accessory)

Vehicle is given the very broad definition of any vehicle which is self-propelled by eclectic power, so this would presumably include a wide range of things.

The term “major component” is not defined, which will be confusing for enforcement purposes.

ADDITIONAL INFO: Public outreach on simple precautions and technology to track stolen cars have proved effective in reducing auto theft. Massachusetts has seen a drastic decline in auto thefts due to enhanced car tracking technology. Funding in these areas is needed to help New Mexico combat automobile burglary and theft.¹

In 2018 New Mexico passed House Bill 52, which required salvage yards to electronically verify with the department of motor vehicle the vehicle had not been reported stolen. These kind of measures are new ways to help detect and prosecute automobile theft.

<u>S</u>afer	<u>A</u>political	<u>F</u>iscally-Responsible	<u>E</u>vidence Based	Grade
There is no evidence that this new law will make our communities safer. States who have effectively combated automobile burglary have done so through technology and public outreach.	Many politicians understandably want to address automobile thefts. States have effectively done so with outreach and technology. New criminal laws that duplicate those already in existence are unnecessary and could be seen as merely political posturing rather than effective solutions.	According to the Fiscal Impact Report, this bill would put additional strain on the Law Offices of the Public Defender and the Courts. Because fines are difficult to collect from convicted defendants, there will likely be no significant revenue.	Law enforcement and prosecutors already have laws criminalizing all the behaviors in this proposed legislation. There is no evidence that another law on the same subject will be useful. Technology and public outreach on this issue has been shown effective in reducing car thefts.	D

¹ “Technology making car theft obsolete, Mass., once the car theft capital, sees cases fall 90%, thanks in large part to high-tech deterrents.” Boston Globe, 2014. <https://www.bostonglobe.com/business/2014/09/07/how-tech-making-car-theft-obsolete/4qzCXHQHiQPvcjqewQWIZI/story.html>

NHTSA <https://www.nhtsa.gov/road-safety/vehicle-theft-prevention> (basic consumer outreach on how to protect your vehicle).
www.nmsafe.org