



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

SENATE BILL 40, as amended

Introduced by

SENATOR PHIL A. GRIEGO

VETOED



1 AN ACT
2 RELATING TO LIVESTOCK; ENACTING THE LIVESTOCK CRIME STOPPERS
3 ACT; CREATING A LIVESTOCK CRIME STOPPERS PROGRAM; PROVIDING
4 FOR REWARDS; PROVIDING FOR CONFIDENTIALITY OF RECORDS AND
5 PERSONS WHO SUBMIT INFORMATION; PROVIDING IMMUNITY FROM
6 LIABILITY; PRESCRIBING PENALTIES.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. A new section of The Livestock Code is
10 enacted to read:

11 "SHORT TITLE.--This act may be cited as the "Livestock
12 Crime Stoppers Act"."

13 SECTION 2. A new section of The Livestock Code is
14 enacted to read:

15 "DEFINITIONS.--

16 A. "livestock-related crime" means a crime
17 involving livestock, including theft, unlawful branding,
18 unlawful killing or mutilation, illegal movement or other
19 criminal offense involving livestock contained in the
20 Criminal Code or The Livestock Code; provided that, with
21 respect to animal cruelty, "livestock-related crime" means
22 the crime of extreme cruelty to animals; and

23 B. "program" means the livestock crime stoppers
24 program."

25 SECTION 3. A new section of The Livestock Code is

1 enacted to read:

2 "PROGRAM CREATED--POWERS AND DUTIES.--

3 A. The board may establish a "livestock crime
4 stoppers program" to assist the board and state and local law
5 enforcement agencies in the arrest and conviction of persons
6 who commit livestock-related crimes. Through the program,
7 the board may offer rewards to persons who provide
8 information or other assistance leading to a defendant's
9 arrest, prosecution or conviction for a livestock-related
10 crime.

11 B. To implement the program, the board:

12 (1) shall adopt and promulgate rules
13 governing the conduct and administration of the program,
14 including how:

15 (a) rewards will be determined and
16 paid;

17 (b) information received by the program
18 will be collected and transmitted to the proper livestock
19 inspector or other law enforcement agency; and

20 (c) confidentiality of crime stopper
21 records and the identity of persons who provide information
22 to the program will be maintained;

23 (2) shall encourage the media of the state
24 to promote the program;

25 (3) may enter into contracts for program

1 management, advertising and other purposes necessary to the
2 program, including contracts with other crime stoppers
3 programs; and

4 (4) may solicit and accept gifts, grants and
5 donations and contributions made pursuant to court order and
6 may use other money of the board to support the program.

7 C. The board and the department of finance and
8 administration shall develop procedures to ensure that
9 vouchers and warrants involving reward payments processed
10 through the department of finance and administration maintain
11 the confidentiality of the reward recipients. The board may
12 establish a separate bank account in a federally insured
13 financial institution and may deposit money into the account
14 to pay rewards and other expenses pursuant to the Livestock
15 Crime Stoppers Act. Money in the account shall be disbursed
16 as directed by the director in accordance with financial
17 control mechanisms established by the board and the
18 department of finance and administration. The account shall
19 be subject to the board's annual audit."

20 SECTION 4. A new section of The Livestock Code is
21 enacted to read:

22 "CONFIDENTIALITY OF RECORDS.--

23 A. Evidence or records of a communication between
24 a person submitting a report to the program and the person
25 accepting the report on behalf of the program are not

1 admissible in a court or an administrative proceeding nor are
2 they subject to inspection as a public record, except as
3 provided in Subsection B of this section.

4 B. Records and reports of the program are
5 confidential and shall not be produced before a court or
6 other tribunal except on motion by:

7 (1) a criminal defendant claiming that a
8 record or report contains specific evidence that is
9 exculpatory to the defendant on trial for a livestock-related
10 crime; or

11 (2) a person in civil court who has been
12 exonerated of a criminal charge that was filed as a result of
13 a report to the program, and denial of access to a record or
14 report would leave the person without the ability to offer
15 prima facie proof that a legal injury was suffered through
16 the wrongful acts of another.

17 C. Upon motion made pursuant to Subsection B of
18 this section, a court may subpoena a record or report but
19 shall conduct an in camera inspection of the materials
20 produced to determine whether there is evidence as alleged to
21 warrant disclosure pursuant to Subsection B of this section.
22 If the court finds such evidence, the court shall determine
23 how much of the evidence to disclose and whether the identity
24 of the person who submitted the report to the program must be
25 disclosed.

1 D. The court shall protect the identity of a
2 person who submits a report to the program as it would
3 protect the identity of a confidential police informer."

4 SECTION 5. A new section of The Livestock Code is
5 enacted to read:

6 "CONFIDENTIALITY--PENALTY.--

7 A. It is unlawful for any member, officer or
8 employee of the board or the department of finance and
9 administration or any member, officer or employee of a
10 contractor to reveal to a person other than the proper law
11 enforcement agencies:

12 (1) information gained through the program
13 relating to a livestock-related crime; or

14 (2) the contents of records and reports that
15 are confidential.

16 B. Confidentiality does not apply to amounts of
17 reward payments that are made under the livestock crime
18 stoppers program; provided, however, that the identities of
19 reward recipients shall not be disclosed.

20 C. A person who violates Subsection A of this
21 section is guilty of a misdemeanor and shall be sentenced in
22 accordance with the provisions of Section 31-19-1 NMSA 1978."

23 SECTION 6. A new section of The Livestock Code is
24 enacted to read:

25 "IMMUNITY FROM LIABILITY.--A person who exercises

1 reasonable care in communicating a report of livestock-related
2 criminal activity to the program or who exercises reasonable
3 care in receiving, forwarding or acting upon such report is
4 immune from civil liability for any act or omission resulting
5 in the arrest, filing of criminal charges or trial of a
6 person who is later exonerated or acquitted of a criminal
7 charge." _____

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Approved by me this _____ day of _____, 2011

s/Governor Susana Martinez
Governor Susana Martinez
State of New Mexico

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