



## **CITY OF BLOOMFIELD, NEW MEXICO**

### **Ordinance 494**

**AN ORDINANCE AMENDING ORDINANCE NO. 94, RELATING TO LARCENY, SHOPLIFTING, AND RECEIVING STOLEN PROPERTY.**

**WHEREAS**, Chapter Eleven (11) of the Bloomfield Municipal Code governs larceny and shoplifting.

**WHEREAS**, the City of Bloomfield desires to revise and update the following provisions within Chapter Eleven (11)

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BLOOMFIELD THAT THE FOLLOWING REVISIONS AND ADDITIONS TO CHAPTER ELEVEN (11) OF THE BLOOMFIELD MUNICIPAL CODE BE IN FULL FORCE AND EFFECT UPON ADOPTION OF THIS ORDINANCE:**

#### **Sec. 11-58. - Larceny.**

- (a) It shall be unlawful for any person to steal anything of value which belongs to another.
- (b) Whoever commits larceny when the value of the property stolen is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.
- (c) Whoever commits larceny when the value of the property stolen is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

(Ord. No. 94, § 2-5, 5-9-77)

**State Law reference**— Similar provisions, N.M.S.A. 1978, § 30-16-1 et seq.

**Sec. 11-59. - Shoplifting.**

(a) As used in this section:

(1) "Store" means a place where merchandise is sold or offered to the public for sale at retail;

(2) "Merchandise" means chattels of any type or description regardless of the value offered for sale in or about a store; and

(3) "Merchant" means any owner or proprietor of any store, or any agent, servant or employee of the owner or proprietor.

(b) It shall be unlawful for any person to:

(1) Willfully take possession of any merchandise with the intention of converting it without paying for it;

(2) Willfully conceal any merchandise with the intention of converting it without paying for it;

(3) Willfully alter any label, price tag or marking upon any merchandise with the intention of depriving the merchant of all or some part of the value of it; or

(4) Willfully transfer any merchandise from the container in or on which it is displayed to any other container with the intention of depriving the merchant of all or some part of the value of it;

(c) Any person who willfully conceals merchandise on his person or on the person of another or among his belongings or the belongings of another or on or outside the premises of the store shall be prima facie presumed to have concealed the merchandise with the intention of converting it without paying for it. If any merchandise is found concealed upon any person or among his belongings it shall be prima facie evidence of willful concealment.

(d) If any law enforcement officer, special officer or merchant has probable cause for believing that a person has willfully taken possession of any merchandise with the intention of converting it without paying for it, or has willfully concealed merchandise, and that he can recover the merchandise by detaining the person or taking him into custody, the law enforcement officer, special officer or merchant may, for the purpose of attempting to effect a recovery of the merchandise, take the person into custody and detain him in a reasonable manner for a reasonable time. Such taking into custody or detention shall not subject the officer or merchant to any criminal or civil liability. Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the crime of shoplifting. Any merchant who causes such an arrest shall not be criminally or civilly liable if he has probable cause for believing the person so arrested has committed the crime of shoplifting.

(e) Whoever commits shoplifting when the value of the property is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

(f) Whoever commits shoplifting when the value of the property is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

(Ord. No. 94, § 2-7, 5-9-77)

**State Law reference**— Similar provisions, N.M.S.A. 1978, §§ 30-16-19—30-16-23.

### **Sec. 11-60. - Receiving stolen property.**

(a) It shall be unlawful for any person to intentionally 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 has been stolen is presumed in the case of a dealer who:

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

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

(3) Is found in possession or control of five (5) or more items of property stolen within one (1) year prior to the time of the incident charged pursuant to this section.

(c) For the purposes of this section:

(1) "dealer" means a person in the business of buying or selling goods or commercial merchandise.

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

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

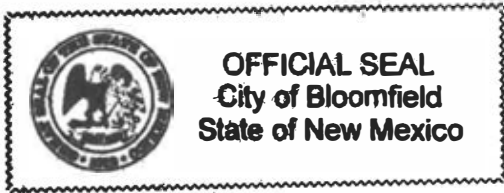
(e) Whoever commits receiving stolen property when the value of the property is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.


(Ord. No. 94, § 2-6, 5-9-77)

**State Law reference**— Similar provisions, N.M.S.A. 1978, § 30-16-11 et seq.


Except for the changes set forth above, the provisions of Chapter Eleven (11) of the Bloomfield Municipal Code are hereby ratified and confirmed.

**Passed, Approved, Signed and Adopted this 23 day of November 2020.**



  
Cynthia Atencio, MAYOR

ATTEST:

  
Crystal L Martinez Hornberger, CITY CLERK