

1 **14-1650. Receiving stolen property; essential elements.**

2 For you to find the defendant guilty of receiving stolen property [as charged in Count
3 _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the
4 following elements of the crime:

5 1. The _____ (*describe the property in question*) had been stolen [by
6 another]²;

7 2. The defendant [acquired possession³ of] [kept] [disposed of]⁴ this property;

8 3. At the time the defendant [acquired possession³ of] [kept] [disposed of]⁴ this
9 property, the defendant knew or believed that it had been stolen;

10 [4. The property was a firearm;]⁵

11 [5. The property had a market value⁶ [of over \$ _____]⁷;]⁸

12 6. This happened in New Mexico on or about the _____ day of
13 _____, _____.

14 USE NOTES

15 1. Insert the count number if more than one count is charged.

16 2. This bracketed material must be used for a charge of receiving (acquiring
17 possession of) stolen property. It must not be used for a charge of either retaining (keeping) stolen
18 property or disposing of stolen property.

19 3. Use UJI 14-130 NMRA if possession is in issue.

20 4. Use only applicable bracketed phrase.

21 5. Use this element if the stolen property is a firearm.

22 6. See UJI 14-1602 NMRA for definition of market value.

1 7. Use this bracketed provision for property other than money if the value is over
2 \$250. State whether the value of the property at issue is []“over \$250,[]” []“over \$500,[]”
3 []“over \$2,500,[]” or []“over \$20,000.[]” If the charge is a petty misdemeanor (\$250 or less),
4 do not use this bracketed provision.

5 8. This bracketed provision need not be used if the property is a firearm with a value
6 of less than \$2,500.

7 [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as
8 amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or
9 filed on or after December 31, 2025.]

10 **Committee commentary.** — *See* NMSA 1978, § 30-16-11[~~(2006)~~]. This is a general intent crime.
11 *See State v. Viscarra*, 1972-NMCA-125, 84 N.M. 217, 501 P.2d 261[~~(Ct. App. 1972)~~]. The
12 committee concluded that the statutory provision []“unless received, etc. with intent to restore the
13 property to its owner[]” should be treated as a defense rather than a negative []“specific intent[]”
14 element which must be proven by the state. Knowledge that the goods are stolen may be proven
15 by inference from all of the facts and circumstances. *State v. Elam*, 1974-NMCA-075, 86 N.M.
16 595, 526 P.2d 189[~~(Ct. App. 1974)~~].

17 In *State v. Tapia*, 1976-NMCA-042, 89 N.M. 221, 549 P.2d 636[~~(Ct. App. 1976)~~], it was held that
18 a thief, convicted of larceny under [~~Section 30-16-1 NMSA 1978~~]NMSA 1978, Section 30-16-1,
19 can also be convicted of receiving stolen property by disposing of it in violation of [~~Section 30-~~
20 ~~16-11 NMSA 1978~~]Section 30-16-11. In dicta, the *Tapia* decision also indicates that the thief may
21 not be convicted of unlawfully retaining the stolen property. The committee was of the view that
22 although the thief may not be convicted of both stealing and acquiring stolen property, [~~he~~]the
23 thief may be convicted of either offense.

1 In *State v. Bryant*, 1982-NMCA-178, 99 N.M. 149, 655 P.2d 161[~~(Ct. App. 1982)~~], the court held
2 that, under [~~Section 30-16-11 NMSA 1978~~]Section 30-16-11, embezzled property does not come
3 within the meaning of stolen property.
4 [~~Amended by Supreme Court Order No. 10-8300-039[, effective December 31, 2010];~~ as amended
5 by Supreme Court Order No. S-1-RCR-2025-00126.]