

1 **14-1704. Negligent arson; [~~recklessly~~] “recklessly”; defined.**

2 For you to find that the defendant acted recklessly in this case, you must find that [~~he~~] the
3 defendant knew that [~~his~~] their conduct created a substantial and foreseeable risk, that [~~he~~] the
4 defendant disregarded that risk, and that [~~he~~] the defendant was wholly indifferent to the
5 consequences of [~~his~~] their conduct and to the welfare and safety of others.

6 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
7 or filed on or after December 31, 2025.]

8 **Committee commentary.** — *See* § 30-17-5B NMSA 1978. The concept of recklessness is the
9 same as criminal negligence. *Cf. State v. Grubbs*, 85 N.M. 365, 512 P.2d 693 (Ct. App. 1973). *See*
10 *also Perkins, Criminal Law* 760 (2d ed. 1969); Model Penal Code § 2.02(2)(c) (Proposed Official
11 Draft, 1962).