



Legal Protections for Public Health Officials: Threats and Interfering with Government Operations New Mexico Fact Sheet

50-State Survey Summary

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C. have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. States with laws that cover other public officials, but not public health officials, were not included in this chart. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but 2, Louisiana and Oklahoma, include protections for state **and** local officials.

Below is more information on New Mexico's relevant law.

Interference with Public Officials


New Mexico's Statutes, § 30-20-13, Interference with Members of Staff, Public Officials or the General Public

A. No person shall, at or in any building or other facility or property owned, operated or controlled by the state or any of its political subdivisions, willfully deny to staff, public officials or the general public:

- (1) lawful freedom of movement within the building or facility or the land on which it is situated;
- (2) lawful use of the building or facility or the land on which it is situated; or
- (3) the right of lawful ingress and egress to the building or facility or the land on which it is situated.

B. No person shall, at or in any building or other facility or property owned, operated or controlled by the state or any of its political subdivision [subdivisions] willfully impede the staff or a public official or a member of the general public through the use of restraint, abduction, coercion or intimidation or when force and violence are present or threatened.

C. No person shall willfully refuse or fail to leave the property of or any building or other facility owned, operated or controlled by the state or any of its political subdivisions when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the property, building or facility.



D. No person shall willfully interfere with the educational process of any public or private school by committing, threatening to commit or inciting others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of a public or private school.

E. Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute.

F. Any person who violates any of the provisions of this section shall be deemed guilty of a petty misdemeanor.

Penalties

New Mexico's Statutes, § 31-19-1

Up to six months imprisonment and/or up to a \$500 fine

Summary

A person is guilty of interfering with members of staff, public officials, or the general public when he/she impedes or denies freedom of movement or the lawful use of a public building to staff, public officials, or members of the public or refuses to leave the property when legally asked to do so. This applies to all state or local buildings. If convicted, a person faces up to six months imprisonment and/or a fine of up to \$500.

Template Response to Violators

Below is a sample template for notifying perpetrators regarding their conduct relative to the code.

New Mexico's Statutes, § 30-20-13, prohibits interfering with members of staff, public officials, or the general public [insert here a description of the conduct with a date—for example: On August 28, 2020, you staged a demonstration at the New Mexico Department of Health in order to prevent staff members and public officials from entering or exiting the premises.] *This may constitute a violation of § 30-20-13. If convicted, you face up to six months imprisonment and/or a fine of up to \$500.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*