

New Mexico Sentencing Commission Bill Tracker (2023 Reg)

Bill: HB4
Sponsors: Martinez, J. (D11)
Title: VOTING RIGHTS PROTECTION
Summary: (Similar to 2022 SB8) Proposes a number of changes to the Election Code intended to expand voting access and protect voter rights, including reinstating voting rights to felons upon release; creating a voluntary permanent absentee voter list; providing monitored secured containers for ballots; permitting registration at a voting location prior to voting; protecting voter rights and polling place access through the Native American Voting Rights Act; and making general and local election days school holidays. These and other changes are detailed below.
Subjects: Elections; Indians; Family and Juveniles; Civil Rights; Public Safety and Corrections; Schools and Teachers; County Affairs; Human Services
Related: 2022:SB8
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - House Government, Elections and Indian Affairs Committee
History: 01/27/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/27/2023—H Also referred to House Judiciary.

Bill: HB9
Sponsors: Herndon (D28)
Title: UNLAWFUL ACCESS TO FIREARM BY MINOR
Summary: (Related to 2022 HB9) Makes it a crime to negligently make a firearm accessible to a minor. The bill adds a new section to the Criminal Code to make it unlawful for a person to keep or store a firearm in a way that negligently disregards a minor's ability to access the firearm and the minor thereby accesses the firearm and displays it in a threatening manner or causes harm.
Subjects: Criminal Code; Public Safety and Corrections; Family and Juveniles; Alcohol, Firearms and Tobacco Products
Related: 2022:HB9
Progress: 1st House: Reported from Committees
Status: 01/31/2023 - House Calendar
History: 01/11/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
 01/25/2023—H Reported Do Pass by House Consumer & Public Affairs.
 01/31/2023—H Reported Do Pass by House Judiciary.
Scheduled: 02/06/2023—House Calendar, 11:00 a.m., House Floor
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB21
Sponsors: Garcia, M. (D14)
Title: GUN VIOLENCE VICTIM ADVOCATE FUNDING
Summary: Appropriates \$5 million (GF, nonreverting) to the Crime Victims Reparation Commission for use in FY2024 and subsequent years to fund law-enforcement-based advocates for victims of homicide and other violent crime.
Subjects: Appropriations; Criminal Code
Progress: 1st House: Reported from Committees
Status: 01/30/2023 - House Appropriations and Finance Committee
History: 01/03/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Judiciary.
 01/18/2023—H Also referred to House Appropriations & Finance.
 01/30/2023—H Reported Do Pass by House Judiciary.
Comments: Meeting of 24 Jan 23: LOPD noted that while they support funding for crime victims, that funding should not be housed with law enforcement or the DA's offices.

Bill: HB50
Sponsors: Roybal Caballero (D13)
Title: CRIME OF POSSESSION OF LARGE-CAPACITY MAGAZINES
Summary: (Similar to 2022 HB156) Amends the Criminal Code to create the fourth-degree felony of possession or transfer of a large-capacity magazine, meaning one with a 10-round or greater capacity (down from 15 rounds in last year's HB156). Provides exceptions and definitions. Appropriates \$1.5 million (GF) to the Department of Public Safety for FY 2024, which includes funding of additional local and statewide law enforcement, court process and incarceration.
Subjects: Alcohol, Firearms and Tobacco Products; County Affairs; Courts and Civil Matters; Municipalities/City Government; Criminal Code; Public Safety and Corrections; Appropriations
Related: 2023:HB156
Progress: Introduced
Status: 01/18/2023 - House Commerce and Economic Development Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
 01/18/2023—H Also referred to House Appropriations & Finance.
Scheduled: 02/07/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 24 Jan 23: DPS noted that the definition of "large capacity magazine" is really the standard magazine for most firearms these days, as 10 rounds is the standard magazine capacity; the bill is likely untenable under the 2nd Amendment; last year the ban was 15-round capacity, and now it is down to 10. DPS added that many bills are putting the onus of distributing funds on DPS, when that is really a DFA function; DPS does not have the manpower to distribute funds. Additionally, DPS added that it is unclear what the appropriation attached to this bill is intended to accomplish or support, and that the re-sale mechanism in some bills is not functional as firearms dealers do not have the capacity to sell the stock they have, or cannot use the weapons that people bring to them for sale. AODA noted that it would be a problem to enforce this bill as almost every handgun has that capacity. The committee voted not to support this legislation, due to the concerns expressed by DPS, by a vote of 10-0.

Bill: HB55
Sponsors: Rehm (R31)
Title: ORGANIZED RETAIL CRIME INVOLVING RETAIL MERCHANDISE
Summary: Makes it a crime to commit various levels of "organized retail crime" against a retailer with penalties ranging from a petty misdemeanor for merchandise with an aggregated value of \$250 or less to a second-degree felony for merchandise with an aggregated value over \$20,000. An individual charged with a violation shall not be charged with a separate or additional offense arising out of the same transaction.
Subjects: Criminal Code; Business, Manufacturing and Economic Development
Progress: Introduced
Status: 01/18/2023 - House Commerce and Economic Development Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Commerce & Economic Development.
 01/18/2023—H Also referred to House Judiciary.

Comments: Meeting of 24 Jan 23: AODA expressed the belief that the crimes in this bill were already covered in law, and whether it might be better to amend the shoplifting statutes. A public member added that present racketeering law could prosecute the crimes created in this bill. DPS noted that this bill mirrors a policy the Governor has interest in, and that the aggregate amount over 12 months was an important part of the legislation. LOPD noted that there were drafting issues with the bill. A motion not to support the legislation failed.

Bill: HB57
Sponsors: Rehm (R31)
Title: TORTS: MERCHANT IMMUNITY FROM DAMAGES IN SHOPLIFTING INCIDENTS
Summary: (Related to 2023 HB 55) Amends the Tort Claims Act to grant immunity to a merchant from liability pertaining to damages or injuries related to the apprehension of a person suspected of shoplifting.
Subjects: Courts and Civil Matters; Business, Manufacturing and Economic Development; Criminal Code
Related: 2023:HB55
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB58
Sponsors: Rehm (R31)
Title: LIFE IMPRISONMENT FOR VIOLENT FELONIES (THREE STRIKES LAW)
Summary: (Identical to 2022 HB31) Under the Criminal Sentencing Act, expands the types of felony convictions subject to mandatory life imprisonment without possibility of parole to persons convicted three times of violent crimes. Includes convictions of violent crimes committed before age 18, for a person sentenced as an adult under: 1) Sec. 31-18-15.3, serious youthful offender, which includes murder in the first degree; 2) Sec. 32A-2-20, disposition of a youthful offender as an adult; or 3) the laws of another state. Provides an exception for geriatric or medical parole pursuant to Sec. 31-21-25.1.
Subjects: Criminal Code; Public Safety and Corrections
Related: 2022:HB31
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB59
Sponsors: Rehm (R31)
Title: UNLAWFUL CARRYING OF FIREARM WHILE TRAFFICKING DRUGS
Summary: Makes it a third-degree felony to unlawfully carry a firearm while trafficking a controlled substance (while in violation of Sec. 30-31-20, Trafficking Controlled Substances). As used in the section, "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of any such weapon."
Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products; Cannabis/Controlled Substances; Public Safety and Corrections
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB60
Sponsors: Rehm (R31)
Title: ENHANCED SENTENCE FOR POSSESSION OF FENTANYL
Summary: Adds a new section to the Criminal Sentencing Act provides for an enhanced sentence when a separate finding of fact by the court or a jury shows that fentanyl was possessed pursuant to Subsec. A of Sec. 30-31-23. The basic sentence of imprisonment prescribed in Sec. 31-18-15 shall be enhanced at the following levels when the fentanyl possessed is:
Subjects: Criminal Code; Cannabis/Controlled Substances; Public Safety and Corrections
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: A public member questioned what made fentanyl different. LOPD noted that there was a question of whether this was a specific intent or general intent crime. A motion not to support the legislation failed.

Bill: HB61
Sponsors: Rehm (R31)
Title: INCREASE PENALTY FOR FELON POSSESSING FIREARM
Summary: (Similar to 2022 HB28) Amends the Criminal Sentencing Act to increase the penalty for felon in possession of a firearm to five years' imprisonment from the standard three years; and for a serious violent felon in possession of a firearm to six years.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections
Related: 2022:HB28
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB64
Sponsors: Rehm (R31)
Title: RETIRED LAW ENFORCEMENT OR FIREFIGHTER RETURN TO WORK
Summary: (Related to 2022 HB106) Permits a retired certified law enforcement officer under a municipal police member coverage plan or under the state coverage plan 1, a retired municipal detention officer member, or a retired municipal fire member to return to work for an affiliated public employer, under the following conditions:
Subjects: Public Employees/Retirement; Public Safety and Corrections
Related: 2022:HB106
Progress: Introduced
Status: 01/18/2023 - House Labor, Veterans' and Military Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Labor, Veterans' & Military Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: DPS noted that this was a bill that had the Governor's interest; it has been difficult to recruit officers; retirees could contribute, but recruiting is difficult as PERA cannot be suspended. A public member noted that there was a need for more law enforcement and corrections officers. The committee discussed reasons in the past for opposition to return to work legislation, which included past habits of people retiring then immediately resuming their old job, which froze more junior employees out of jobs, and that there had been union opposition. DPS noted that this would be a good issue to be negotiated in collective bargaining. Deputy Director noted that

the report of the jail and prison task force had recommended return to work legislation. LOPD and DA noted that they were facing similar issues with their staffing. NMCD noted that it would be valuable to have return to work legislation. The committee voted to support this legislation by a vote of 7-0, with AODA, AGO, and LOPD abstaining.

Bill: HB71
Sponsors: Garcia, M. (D14)
Title: MOTOR VEHICLES: PROHIBIT LOUD MUFFLER, PENALTY
Summary: Amends the Motor Vehicle Code to make it a penalty assessment misdemeanor to alter or modify a vehicle muffler from the manufacturer's specifications—except for repairs that bring a damaged muffler to the same level of noise reduction capacity as provided by the initial manufactured condition or a modification that reduces the muffler's noise capacity. Carries a \$50 penalty for first conviction; \$250 for a second conviction; and \$500 for a third or subsequent conviction.
Subjects: Transportation; Environment and Pollution; Public Safety and Corrections; Taxation, Fees and Audits
Progress: 1st House: Referred to Committee
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/12/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB72
Sponsors: Roybal Caballero (D13)
Title: UNLAWFUL POSSESSION OR TRANSFER OF SEMIAUTOMATIC FIREARM CONVERTER
Summary: (Related to 2022 HB156) Makes it a crime to knowingly possess or transfer a semiautomatic firearm converter; appropriates \$1.5 million (GF) to the Department of Public Safety for use in FY2024 to carry out the prohibition including additional law enforcement, court process, and incarceration.
Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products; Appropriations; Public Safety and Corrections
Related: 2022:HB156
Progress: Introduced
Status: 01/18/2023 - House Judiciary Committee
History: 01/12/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Judiciary.
 01/18/2023—H Also referred to House Appropriations & Finance.
Comments: Meeting of 24 Jan 23: Committee members simply noted that their comments were the same as on HB 50.

Bill: HB74
Sponsors: Hochman-Vigil (D15)
Title: PRETRIAL DETENTION HEARINGS: ASSESSMENT AND REVOCATION
Summary: Adds two sections to the Criminal Procedure Act to provide requirements for a public safety assessment in pretrial detention hearings and to provide for pretrial detention upon commission of a felony while on release.
Subjects: Criminal Code; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/12/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: Deputy Director noted that there were tensions between this bill and the bail provision of the state constitution, and that there seemed to be drafting issues in Section 2, particularly where it seems that part of a court rule had been drafted into statute, with a reference to "rule" that had no antecedent; additionally, NMSC had been tasked in the bill with assisting CJCCs on evaluating their public safety

assessment, but it was not clear what that meant; finally, there was a concern with annual adjustments to public safety assessments used in judicial districts as the districts likely would not have large enough sample sizes, and validations of public safety assessments take years. AODA questioned whether the bill was adding anything to the present process. Magistrate Judge added that it seemed that this was a backdoor way to a rebuttable presumption. LOPD noted that while there were issues with the Arnold tool and how it is applied, the procedures in the bill to address those problems confuses the science; additionally, the bill tasks the CJCCs and the NMSC with tasks that they are not set up to operate.

Bill: HB76
Sponsors: Hochman-Vigil (D15)
Title: JUDICIAL EDUCATION SVCS FUND: TRANSFER FROM UNM LAW SCHOOL TO AOC
Summary: (For the Courts, Corrections and Justice Committee) Creates the Judicial Education Services Division of the Administrative Office of the Courts to replace the Judicial Education Center at UNM Law School's Institute of Public Law. Transfers administration of the Judicial Education Fund from UNM Law School's Institute of Public Law to the Administrative Office of the Courts. Appropriates \$2,114,100 (GF, nonreverting) to the Judicial Education Fund for use in FY2024 and subsequent years.
Subjects: Courts and Civil Matters; Appropriations; Higher Education; State Affairs and State Agencies
Progress: 1st House: Reported from Committees
Status: 01/24/2023 - House Appropriations and Finance Committee
History: 01/12/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Judiciary.
 01/18/2023—H Also referred to House Appropriations & Finance.
 01/24/2023—H Reported Do Pass as amended by House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB97
Sponsors: Rehm (R31)
Title: OUTSTANDING WARRANTS BACKLOG FUNDING: STATE & LOCAL POLICE, SHERIFFS, ABQ DA
Summary: Appropriates \$20 million (GF) to the following agencies for use in FY2024 to fund efforts to reduce the backlog of outstanding felony and misdemeanor arrest warrants.
Subjects: Appropriations; Criminal Code; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/18/2023 - House Judiciary Committee
History: 01/13/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Judiciary.
 01/18/2023—H Also referred to House Appropriations & Finance.
Comments: Meeting of 24 Jan 23: The committee voted unanimously to table this legislation as there were a number of discussions concerning it ongoing, and it had been recently rolled at HJC.

Bill: HB98
Sponsors: Townsend (R54)
Title: RESTORE QUALIFIED IMMUNITY FOR PUBLIC OFFICIALS IN NM CIVIL RIGHTS ACT
Summary: Amends the New Mexico Civil Rights Act to reinstate the defense of qualified sovereign immunity for public bodies or officials who are sued for violation of a plaintiff's civil rights. Repeals Sec. 41-4A-4 of the act, which currently absolutely bars that defense to any claim for damages or relief.
Subjects: Courts and Civil Matters; Civil Rights
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/13/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB100
Sponsors: Romero, A. (D46)
Title: CERTAIN GUN SALES: 14-DAY WAITING PERIOD
Summary: Amends the Criminal Code provision outlawing sale of a firearm without a background check (Sec. 30-7-7.1) to prohibit transfer of ownership, possession or control of a firearm to a buyer earlier than 14 calendar days after submission of the required federal instant background check.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code
Progress: Introduced
Status: 01/19/2023 - House Consumer and Public Affairs Committee
History: 01/13/2023—H Prefiled in the House.
 01/19/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2023—H Also referred to House Judiciary.
Scheduled: 02/07/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB101
Sponsors: Romero, A. (D46)
Title: PROHIBIT LARGE-CAPACITY MAGAZINES AND ASSAULT WEAPONS
Summary: (Related to 2023 HB50 and 2022 HB156) Amends the Criminal Code to prohibit the possession, manufacture, purchase, transfer or sale of any large-capacity ammunition feeding device and any assault weapon, subject to certain exceptions. Violation is a fourth degree felony.
Subjects: Alcohol, Firearms and Tobacco Products; Public Safety and Corrections
Related: 2023:HB50; 2022:HB156
Progress: Introduced
Status: 01/19/2023 - House Consumer and Public Affairs Committee
History: 01/13/2023—H Prefiled in the House.
 01/19/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2023—H Also referred to House Judiciary.
Scheduled: 02/07/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 24 Jan 23: Committee members noted that their comments were the same as on HB 50. The committee voted not to support this legislation by a vote of 9-0, with AGO abstaining.

Bill: HB109
Sponsors: Block (R51)
Title: REPEAL NEW MEXICO CIVIL RIGHTS ACT
Summary: Repeals the 2021 New Mexico Civil Rights Act, which establishes the right of a person who claims a deprivation of any “rights, privileges or immunities” secured by the bill of rights of the New Mexico Constitution to bring a lawsuit in state district court against a public body and recover actual damages and injunctive relief.
Subjects: Civil Rights; Courts and Civil Matters
Progress: Introduced
Status: 01/19/2023 - House Consumer and Public Affairs Committee
History: 01/19/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2023—H Also referred to House Judiciary.
Scheduled: 02/04/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB113
Sponsors: Chandler (D43)
Title: MAGISTRATE QUALIFICATIONS AND JURISDICTION
Summary: Enhances qualifications for magistrates; expands the jurisdiction of a magistrate to encompass the judicial district; makes magistrate court a court of record.
Subjects: Courts and Civil Matters; Labor; State Affairs and State

Progress: Agencies
 1st House: Reported from Committees
Status: 01/26/2023 - House Judiciary Committee
History: 01/19/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/19/2023—H Also referred to House Judiciary.
 01/26/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.

Comments: Meeting of 24 Jan 23: Committee members discussed what the new magistrate judge jurisdiction would look like were this bill passed. Questions were raised concerning whether appeals from Magistrate Court decisions would be made directly to the Court of Appeals, or would they have to go through District Court. The bill does not amend Sections 35-13-1 through -3, which addresses Magistrate Court appeals to the District Court. Magistrate Judge noted that all traffic cases are now done by video, though allowed that could change in the future. AODA expressed the concern that the heightened qualifications could restrict who ran for Magistrate Court positions, when there was already a concern about the number of candidates. Magistrate Judge noted that the higher qualifications were to get individuals on the bench who were better able to understand the gravity of the position. LOPD noted there was a tension between the Magistrate Court judges having district-wide jurisdiction while still being elected on a county level.

Bill: HB128
Sponsors: Lord (R22)
Title: CHEMICAL CASTRATION FOR CERTAIN SEX OFFENDERS
Summary: Requires chemical castration as a condition of parole for sex offenders pursuant to Sec. 30-9-11 through 30-9-13; stopping treatment while on parole is a fourth-degree felony.
Subjects: Criminal Code; Civil Rights
Progress: Introduced
Status: 01/19/2023 - House Health and Human Services Committee
History: 01/19/2023—H Introduced and referred to House Health & Human Services.
 01/19/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB138
Sponsors: Cadena (D33)
Title: CONVICTION FINE FLEXIBILITY AND WAIVERS FOR INDIGENT PERSONS
Summary: (Identical to 2022 HB81) Offers new flexibility and changes the requirements for paying fines, fees and costs associated with conviction in criminal cases; expands community service options related to paying conviction-related court costs.
Subjects: Courts and Civil Matters; Criminal Code; Public Safety and Corrections
Related: 2022:HB81
Progress: Introduced
Status: 01/23/2023 - House Commerce and Economic Development Committee
History: 01/23/2023—H Introduced and referred to House Commerce & Economic Development.
 01/23/2023—H Also referred to House Judiciary.
Scheduled: 02/09/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: NMSC bill. Meeting of 31 Jan 23: The committee took no action on this bill as it is one of the NMSC pieces of legislation, and was supported by the Commission.

Bill: HB139
Sponsors: Cadena (D33)
Title: ELIMINATES CERTAIN COURT FEES AND PENALTY ASSESSMENTS
Summary: Eliminates court fees (and associated administrative provisions) and Motor Vehicle Code penalty assessment fees allocated to the following funds/agencies:
Subjects: County Affairs; Courts and Civil Matters; Municipalities/City

Progress: Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Family and Juveniles; Appropriations; Taxation, Fees and Audits
Status: 1st House: Reported from Committees
History: 01/30/2023 - House Appropriations and Finance Committee
 01/23/2023—H Introduced and referred to House Judiciary.
 01/23/2023—H Also referred to House Appropriations & Finance.
 01/30/2023—H Reported Do Pass by House Judiciary.
Comments: Meeting of 31 Jan 23: AOC noted that the bill had passed HJC and was moving on to Appropriations; the bill would eliminate post-adjudication fees tacked on to misdemeanors and traffic cases; there is a delayed effective date so that the changes would not take effect until FY25, which gives affected programs a year to request funding; fee funding is an administrative burden on the courts, including with the assessments and the re-evaluation of payment plans; additionally, funding programs through fees does not provide a stable source of funding. Magistrate Judge noted that collections cost the courts approximately \$5 million; Magistrate Courts do collections, which is a burden on them; additionally, the funding for these programs tends to be on the backs of people who cannot afford it. The committee voted to support this legislation unanimously.

Bill: HB153
Sponsors: Ezzell (R58)
Title: SEPARATING BARNYARD LARCENY CHARGES
Summary: Specifies an additional third-degree felony livestock larceny charge for every animal stolen, increasing the cumulative penalty for stealing a barnyard of farm animals. The theft of multiple livestock shall constitute a separate offense for each individual animal stolen.
Subjects: Agriculture and Ranching; Land, Housing and Real Estate; Criminal Code; Courts and Civil Matters
Progress: 1st House: Reported from Committees
Status: 01/27/2023 - House Judiciary Committee
History: 01/23/2023—H Introduced and referred to House Agriculture, Acequias and Water Resources.
 01/23/2023—H Also referred to House Judiciary.
 01/27/2023—H Reported without recommendation by House Agriculture, Acequias and Water Resources.
Comments: Meeting of 31 Jan 23: AODA noted that due to a recent court decision, if someone steals multiple livestock, they can only receive one felony charge for the theft; the problem this bill is trying to address is particularly acute with cattle, where 50 to 100 head can be taken at a time at \$1,000 a head; in present law livestock is separated out in the larceny statute, so a change is needed; the hope is to increase the deterrence value. LOPD noted that in their FIR, they suggested amending the statute in a different way, similar to firearm larceny, with a minimum floor; the statute as written could mean that someone is facing 100s of years in prison for larceny. A vote to support this legislation was spilt, 3-3 (LOPD and two public members against), with AOC, DPS, NMCD, and a Magistrate Judge abstaining.

Bill: HB154
Sponsors: Reeb (R64)
Title: JUVENILE DELINQUENCY FOR CANNABIS POSSESSION
Summary: Would potentially increase the penalty for minors of using, possessing, growing or selling cannabis products to constitute an act of juvenile delinquency; includes even being present in a licensed retail cannabis establishment unless in the presence of a parent or legal guardian.
Subjects: Courts and Civil Matters; Family and Juveniles; Cannabis/Controlled Substances
Progress: Introduced
Status: 01/23/2023 - House Health and Human Services Committee
History: 01/23/2023—H Introduced and referred to House Health & Human Services.
 01/23/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: LOPD noted that they had serious concerns with how this bill undoes the progress made under the Cannabis Regulation Act; turning possession into a delinquent

act could lead to two-year commitments for juveniles; the Cannabis Regulation Act was only just passed, and there has not been time to see its effects. A motion not to support the legislation failed.

Bill: HB155
Sponsors: Reeb (R64)
Title: INCREASE PENALTY FOR AGGRAVATED BATTERY UPON A PEACE OFFICER
Summary: Increases from a third to a second degree penalty the crime of aggravated battery upon a peace officer if that battery inflicts great bodily harm or is done with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted.
Subjects: Criminal Code; Public Safety and Corrections
Progress: Introduced
Status: 01/23/2023 - House Commerce and Economic Development Committee
History: 01/23/2023—H Introduced and referred to House Commerce & Economic Development.
 01/23/2023—H Also referred to House Judiciary.
Scheduled: 02/04/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 31 Jan 23: DPS noted that there has been a rise in violent attacks on police officers; according to the FBI, in 2022 there were 323 officers shot and 60,000 assaulted, with 60 officers who have died by gunfire; New Mexico is the fourth most dangerous state in which to be a police officer. LOPD noted that while they understood the concerns that prompted the bill, their concern was that the definition of aggravated battery was very wide, with no limits to the kind of harm, so that the bill would triple the basic sentence with a wide breadth of conduct encompassed, including when no injury results. AODA noted that anything could be used as a deadly weapon, and that consequences were important. The committee voted to support this legislation by a vote of 6-3, LOPD and two public members against, with AOC abstaining.

Bill: HB158
Sponsors: Reeb (R64)
Title: CHEMICAL BLOOD TESTING CLARIFICATIONS FOR DRIVERS
Summary: Adds emergency medical technicians or certified phlebotomists to the list of people qualified to administer a chemical blood test as directed by a police- or judicial officer to determine whether someone was driving under the influence of drugs or alcohol; removes such people from liability for performing chemical blood tests.
Subjects: Cannabis/Controlled Substances; Courts and Civil Matters; Criminal Code; Alcohol, Firearms and Tobacco Products; Public Safety and Corrections; Health and Medical Practice
Progress: Introduced
Status: 01/23/2023 - House Transportation, Public Works and Capital Improvements Committee
History: 01/23/2023—H Introduced and referred to House Transportation, Public Works & Capital Improvements.
 01/23/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: AODA noted that the change in the bill are especially important for rural areas where they lack providers to do the blood draws, so they rely heavily on EMTs to do those tests, which then gets challenged in court. LOPD notes that the bill codifies State v. Adams, but that they ad concerns with the bill. The committee voted to support this legislation by a vote of 6-2, LOPD and a public member against, with NMCD and a public member abstaining.

Bill: HB159
Sponsors: Reeb (R64)
Title: INTERACTIVE VIDEO ANALYST TESTIMONY FOR TRAFFIC OFFENSES
Summary: Amends the Implied Consent Act to permit an analyst to testify at a court proceeding related to traffic offenses via interactive video. A defendant is deemed to have given consent to an

Subjects: analyst’s interactive video appearance if the analyst is subpoenaed to testify about chemical testing that the analyst performed to determine if the defendant was driving a motor vehicle under the influence of intoxicating liquor or drug. Courts and Civil Matters; Transportation; Public Safety and Corrections

Progress: 1st House: Reported from Committees

Status: 02/03/2023 - House Judiciary Committee

History: 01/23/2023—H Introduced and referred to House Transportation, Public Works & Capital Improvements. 01/23/2023—H Also referred to House Judiciary. 02/03/2023—H Reported Do Pass by House Transportation, Public Works & Capital Improvements.

Comments: Meeting of 31 Jan 23: LOPD noted that the language of the bill is unconstitutional, as there needs to be a specific reason put forward for a witness not to appear in person. AODA noted that the bill would help rural districts as there are a limited number of DUI experts in the state and that jurisdictions often need the same expert for trial at the same time, leading experts to fly around the state at great cost or trials to be delayed; other testimony is allowed by video; this bill is limited to the Implied Consent Act. AOC noted that the courts should be able to provide the service, if needed, but that they were concerned about a constitutional challenge under the confrontation clause; appeals to cases using this testimony would take a fair bit of time, and could end up with another Birchfield. The committee voted to table this legislation until issues surrounding it could be clarified.

Bill: **HB164**

Sponsors: Block (R51)

Title: OPEN SEASON FOR CONCEALED LOADED FIREARM

Summary: Amends the Criminal Code to decriminalize carrying of a concealed loaded firearm. Adds a new section affirmatively stating that a person aged 18 or older may carry an open or concealed loaded firearm on their person, unless the person is prohibited by federal or state law or court order from possessing or carrying a firearm.

Subjects: Higher Education; Alcohol, Firearms and Tobacco Products; Criminal Code

Progress: Introduced

Status: 01/24/2023 - House Consumer and Public Affairs Committee

History: 01/24/2023—H Introduced and referred to House Consumer & Public Affairs. 01/24/2023—H Also referred to House Judiciary.

Scheduled: 02/07/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HB167**

Sponsors: Nibert (R59)

Title: CHILD CRIME VICTIMS PROGRAMS

Summary: Appropriates \$1 million (GF) to the Children, Youth and Families Department for use in FY 2024 for programs that provide services to child crime victims in southeast New Mexico.

Subjects: Appropriations; Family and Juveniles

Progress: 1st House: Reported from Committees

Status: 02/02/2023 - House Appropriations and Finance Committee

History: 01/24/2023—H Introduced and referred to House Health & Human Services. 01/24/2023—H Also referred to House Appropriations & Finance. 02/02/2023—H Reported Do Pass by House Health & Human Services.

Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HB173**

Sponsors: Jaramillo, T. (D38)

Title: CHILD AND ADJUDICATED INCAPACITATED ADULT WITNESS PROTECTION

Summary: Changes the name of the Uniform Child Witness Protective

Subjects: Measures Act to the Child and Adjudicated Incapacitated Adult Witness Protective Measures Act and amends it to clarify witness protections for child or adjudicated incapacitated adult witnesses who are victims in criminal or noncriminal cases. Courts and Civil Matters; Criminal Code; Family and Juveniles

Progress: Introduced

Status: 01/24/2023 - House Health and Human Services Committee

History: 01/24/2023—H Introduced and referred to House Health & Human Services. 01/24/2023—H Also referred to House Judiciary.

Scheduled: 02/06/2023—House Health and Human Services Committee, 8:30 a.m., Room 307

Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HB175**

Sponsors: Romero, A. (D46)

Title: CRIME REDUCTION GRANT FUND

Summary: (Endorsed by the Courts, Corrections, and Justice Committee) Vests complete authority for administration of the Crime Reduction Grant Act with the New Mexico Sentencing Commission and completely eliminates the role of a “grant administration agency” from the grant-award process. Creates the Crime Reduction Grant Fund. The bill does not contain an appropriation..

Subjects: Appropriations; Criminal Code; State Affairs and State Agencies

Progress: 1st House: Reported from Committees

Status: 01/30/2023 - House Appropriations and Finance Committee

History: 01/24/2023—H Introduced and referred to House Judiciary. 01/24/2023—H Also referred to House Appropriations & Finance. 01/30/2023—H Reported Do Pass by House Judiciary.

Comments: NMSC bill. Meeting of 31 Jan 23: The committee took no action on this bill as it is one of the NMSC pieces of legislation, and was supported by the Commission.

Bill: **HB180**

Sponsors: Szczepanski (D47)

Title: STORING ELECTRONIC RECORDS

Summary: Relates to public records and allows for the electronic storage of official records and recognizes those records as original records for all purposes, including introduction into evidence in all courts or administrative proceedings.

Subjects: State Affairs and State Agencies; Courts and Civil Matters

Progress: Introduced

Status: 01/24/2023 - House Consumer and Public Affairs Committee

History: 01/24/2023—H Introduced and referred to House Consumer & Public Affairs. 01/24/2023—H Also referred to House Government, Elections & Indian Affairs.

Scheduled: 02/09/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HB190**

Sponsors: Chasey (D18)

Title: APPLYING THE RULES OF EVIDENCE TO GRAND JURY PROCEEDINGS

Summary: The bill allows for “lawful, competent and relevant evidence” to be admissible to a grand jury under the Rules of Evidence.

Subjects: Courts and Civil Matters; Criminal Code

Progress: 1st House: Referred to Committee

Status: 01/25/2023 - House Consumer and Public Affairs Committee

History: 01/25/2023—H Introduced and referred to House Consumer & Public Affairs. 01/25/2023—H Also referred to House Judiciary.

Comments: Meeting of 31 Jan 23: AODA noted that the bill eliminates hearsay in grand juries, and effectively does away with grand juries so that one might as well use a preliminary hearing. The committee voted not to support this legislation by a vote of 4-3, LOPD and two public members against, with AOC, NMCD, and Magistrate Judge abstaining.

Bill: HB212
Sponsors: Garratt (D29)
Title: DRUG TRAFFICKING AND FIREARM PENALTY ENHANCEMENT
Summary: Amends the Criminal Code to enhance the penalty for trafficking a controlled substance while carrying a firearm. Convictions would result in a fourth-degree felony punishable under provisions of Sec. 31-18-15 (Sentencing authority; noncapital felonies; basic sentences and fines; parole authority; meritorious deductions).
Subjects: Criminal Code
Progress: 1st House: Referred to Committee
Status: 01/26/2023 - House Consumer and Public Affairs Committee
History: 01/26/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/26/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: HB221
Sponsors: Lord (R22)
Title: PRENATAL CHILD ABUSE PROTECTIONS
Summary: Amends that portion of the Criminal Code relating to abandonment or abuse of a child to make it a crime and provide penalties and protections for a child that tests positive at birth for controlled substances and for taking the newborn into temporary protective custody under certain conditions.
Subjects: Criminal Code; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - House Health and Human Services Committee
History: 01/27/2023—H Introduced and referred to House Health & Human Services.
 01/27/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: HB224
Sponsors: Garratt (D29)
Title: UNLAWFUL CARRYING OF A FIREARM WHILE DRUNK IN HIGH-POPULATED AREA
Summary: Renders the unlawful carrying of a firearm in a jurisdiction within a high-population jurisdiction (a population over 90,000 people) a fourth-degree felony if the offender is intoxicated or under the influence of a narcotic.
Subjects: Criminal Code; Public Safety and Corrections; Alcohol, Firearms and Tobacco Products
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - House Consumer and Public Affairs Committee
History: 01/27/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/27/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: Deputy Director noted that there were likely constitutional problems with this bill. DPS questioned why the same crime would be a misdemeanor in Santa Fe, but a felony in Albuquerque, and agreed that it likely had constitutional issues. The committee voted unanimously not to support this legislation.

Bill: HB225
Sponsors: Castellano (D70)
Title: ADDING ASSAULT OF PEACE OFFICERS TO VICTIMS OF CRIME ACT
Summary: Specifically includes police officers – citing various, specific forms of assault against officers – in the Victims Crime Act, thereby extending to them the rights afforded to other victims of crime by the act.
Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - House Consumer and Public Affairs Committee
History: 01/27/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/27/2023—H Also referred to House Judiciary.

Comments: Meeting of 31 Jan 23: The committee voted unanimously to table this legislation so DPS could research the impact of the bill.

Bill: HB233
Sponsors: Matthews (D27)
Title: RLD REORGANIZATION: LIQUOR AND CANNABIS INSPECTORS
Summary: Adds the Boards and Commissions Division and the Information Technology Division to the Regulation and Licensing Department. Requires RLD to employ compliance inspectors to investigate and enforce rules and laws of the Alcoholic Beverage Control Division and the Cannabis Control Division; the inspectors have the powers and duties of peace officers.
Subjects: State Affairs and State Agencies; Alcohol, Firearms and Tobacco Products; Information Technology
Progress: 1st House: Referred to Committee
Status: 01/30/2023 - House Government, Elections and Indian Affairs Committee
History: 01/30/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/30/2023—H Also referred to House Judiciary.

Bill: HB234
Sponsors: Matthews (D27)
Title: ORGANIZED RETAIL CRIME AND RACKETEERING
Summary: (Related to 2023 HB55) Creates the crime of organized retail crime carrying a penalty of a second-degree felony and adds organized retail crime to the definition of racketeering. Also amends the elements of robbery and authorizes separate prosecution for separate incidents of shoplifting.
Subjects: Criminal Code; Business, Manufacturing and Economic Development
Related: 2023:HB55
Progress: 1st House: Referred to Committee
Status: 01/30/2023 - House Commerce and Economic Development Committee
History: 01/30/2023—H Introduced and referred to House Commerce & Economic Development.
 01/30/2023—H Also referred to House Judiciary.

Bill: HB238
Sponsors: Garratt (D29)
Title: UNLAWFUL CARRYING OF A FIREARM
Summary: (Related to 2023 HB224) Renders unlawful discharge of a firearm in a densely populated area a fourth-degree penalty.
Subjects: Criminal Code; County Affairs; Municipalities/City Government; Alcohol, Firearms and Tobacco Products
Related: 2023:HB224
Progress: 1st House: Referred to Committee
Status: 01/30/2023 - House Consumer and Public Affairs Committee
History: 01/30/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/30/2023—H Also referred to House Judiciary.

Bill: HB254
Sponsors: Zamora (R63)
Title: SCHOOL MARSHAL ACT
Summary: Amends the Public-School Code to create an act providing for training of school marshals holding concealed carry permits issued by the Department of Public Safety (DPS); and providing policies and procedures for their employment by school districts who choose to do so.
Subjects: Schools and Teachers; State Affairs and State Agencies; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/31/2023 - House Education Committee
History: 01/31/2023—H Introduced and referred to House Education.
 01/31/2023—H Also referred to House Judiciary.

Bill: HB258
Sponsors: Block (R51)
Title: CRIMINALIZING ABORTIONS FOR HEALTHCARE PROVIDER
Summary: Would make abortion a criminal offense punishable by up to five years in prison.
Subjects: Health and Medical Practice; Criminal Code
Progress: 1st House: Referred to Committee
Status: 01/31/2023 - House Health and Human Services Committee
History: 01/31/2023—H Introduced and referred to House Health & Human Services.
 01/31/2023—H Also referred to House Judiciary.

Bill: HB261
Sponsors: Ortez (D42)
Title: UNLAWFUL TAKING OF CERTAIN BIG GAME
Summary: Expands the unlawful taking of big game to include javelinas, bears, and cougars.
Subjects: Natural Resources (Parks and Wildlife); Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - House Energy, Environment and Natural Resources Committee
History: 02/01/2023—H Introduced and referred to House Energy, Environment & Natural Resources.
 02/01/2023—H Also referred to House Judiciary.

Bill: HB263
Sponsors: Lujan (D48)
Title: HARM REDUCTION ACT: OVERDOSE PREVENTION PROGRAM
Summary: (Related to 2022 HB52 and 2021 SB255) Amends the Harm Reduction Act to create an Overdose Prevention Program in the Department of Health and to provide liability protections to a person involved in the Harm Reduction Program or the Overdose Prevention Program (including a property owner, director, employee, or participant) from civil or criminal liability for any act or conduct that occurs on the site or relating to the administration of a program unless the action violates of established ethical rules or is negligent or reckless.
Subjects: Health and Medical Practice; State Affairs and State Agencies; Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Cannabis/Controlled Substances
Related: 2022:HB52; 2021:SB255
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - House Health and Human Services Committee
History: 02/01/2023—H Introduced and referred to House Health & Human Services.
 02/01/2023—H Also referred to House Judiciary.

Bill: HB275
Sponsors: Mason (R66)
Title: ORAL FLUID ROADSIDE DETECTION PILOT PROJECT
Summary: Creates a four-year pilot program allowing state police, sheriffs, and several municipal police departments to test machines purported to measure whether an individual is under the influence of drugs or alcohol; creates a process for developing the pilot program, selecting drug-testing machines and criteria for when they can be used; appropriates \$650,000 from the Cannabis Regulation Fund for the program for FY2024 through FY2027.
Subjects: Civil Rights; Courts and Civil Matters; County Affairs; Municipalities/City Government; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - House Judiciary Committee
History: 02/01/2023—H Introduced and referred to House Judiciary.
 02/01/2023—H Also referred to House Appropriations & Finance.
Scheduled: 02/06/2023—*BILL REMOVED* House Judiciary Committee, 1:30 p.m., Room 309

Bill: HB282
Sponsors: Lord (R22)
Title: PERMANENT ORDERS OF PROTECTION FOR VICTIMS OF CERTAIN FELONY OFFENSES
Summary: Provides a process for victims of the following felony offenses to petition the court for a permanent order of protection against an offender who was convicted of: assault, attempted murder, kidnapping, sexual offenses, sexual exploitation of children. Violations of a protective order constitute a misdemeanor. It is unclear how the victim will obtain the resources necessary to pursue the remedies offered by the bill (i.e., file petition through a private attorney, the district attorney, pay court filing and service of process fees, etc.).
Subjects: Criminal Code; Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - House Consumer and Public Affairs Committee
History: 02/01/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/01/2023—H Also referred to House Judiciary.

Bill: HB283
Sponsors: Lord (R22)
Title: SCHOOL MARSHAL ACT
Summary: (Related to, but very different from, 2023 HB254) Authorizes a school district to employ school marshals to act as necessary to prevent or stop the commission of an offense that threatens serious bodily injury or death of persons on public school property. School marshals are to be trained by law enforcement. Amends the Public School Code and the Law Enforcement Training Act.
Subjects: Schools and Teachers; State Affairs and State Agencies; Public Safety and Corrections; Insurance; Alcohol, Firearms and Tobacco Products; Indians
Related: 2023:HB254
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - House Education Committee
History: 02/01/2023—H Introduced and referred to House Education.
 02/01/2023—H Also referred to House Judiciary.

Bill: HB289
Sponsors: Cates (D44)
Title: SENTENCING COMMISSION DATA COLLECTION
Summary: Expands the kinds of documents the Sentencing Commission would be able to access and review.
Subjects: Courts and Civil Matters; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - House Government, Elections and Indian Affairs Committee
History: 02/01/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 02/01/2023—H Also referred to House Judiciary.

Bill: HB294
Sponsors: Lane (R3)
Title: EMPLOYMENT OF RETIRED LAW ENFORCEMENT OFFICERS
Summary: Allows certain retired officers to be employed as school resource officers or to provide security or protective services for a courthouse if the subsequent employments occurs prior to July 1, 2026.
Subjects: County Affairs; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies
Progress: 1st House: Referred to Committee
Status: 02/02/2023 - House Labor, Veterans' and Military Affairs Committee
History: 02/02/2023—H Introduced and referred to House Labor, Veterans' & Military Affairs.
 02/02/2023—H Also referred to House Government, Elections & Indian Affairs.

Bill: HB297
Sponsors: Cadena (D33)
Title: CORRECTIONS OVERSIGHT BY DFA CORRECTIONS ADVISORY BOARD
Summary: Cited as the Corrections Advisory Board Act, an 11-member Corrections Advisory Board is created within the Department of Finance and Administration. The board evaluates and reviews operations of the Corrections Department (CD) and identifies systemic issues within the department that lead to inmate harm or negative impacts on personnel; and hires a Corrections Ombudsperson to investigate complaints. Provides powers and duties. Requires confidential access to the Ombudsperson by inmates and personnel. Amends the State Rules Act to provide opportunity to comment on rule changes to persons under CD supervision.
Subjects: Public Safety and Corrections; State Affairs and State Agencies
Progress: 1st House: Referred to Committee
Status: 02/02/2023 - House Judiciary Committee
History: 02/02/2023—H Introduced and referred to House Judiciary. 02/02/2023—H Also referred to House Appropriations & Finance.
Scheduled: 02/06/2023—House Judiciary Committee, 1:30 p.m., Room 309

Bill: HJR9
Sponsors: Reeb (R64)
Title: CA: LEGISLATURE TO SET CONDITIONS FOR DENIAL OF BAIL
Summary: (Identical to 2022 HJR4 and 2021 HJR4) Proposes to amend Article 2, Section 13 of the NM Constitution to remove from the courts and delegate solely to the Legislature the power to determine conditions for denial of bail; clarifies that bail may be denied if no release conditions will reasonably ensure the appearance of the person; and removes procedural directions for requesting court relief from requirement to post bond.
Subjects: Criminal Code; Legislature; Public Safety and Corrections; Constitutional Issues and Amendments
Related: 2023:HJR4; 2021:HJR4
Progress: 1st House: Reported from Committees
Status: 02/02/2023 - House Judiciary Committee
History: 01/23/2023—H Introduced and referred to House Government, Elections & Indian Affairs. 01/23/2023—H Also referred to House Judiciary. 02/02/2023—H Reported without recommendation by House Government, Elections & Indian Affairs.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: HM10
Sponsors: Reeb (R64)
Title: HONORS VICTIMS OF VIOLENT CRIME AND FAMILIES
Summary: Recognizes victims of violent crime and their families and honors their loss and suffering. A copy of the memorial will be transmitted to the Chair of the Crime Victims Reparation Commission
Subjects: Miscellaneous; Criminal Code
Progress: 1st House: Referred to Committee
Status: 01/26/2023 - House Judiciary Committee
History: 01/26/2023—H Introduced and referred to House Judiciary.

Bill: SB2
Sponsors: Cervantes (D31)
Title: SUPREME COURT JUSTICE AND MAGISTRATE SALARIES
Summary: (Identical to 2022 HB151) Mandates that justices of the state Supreme Court receive an annual salary equal to that received by New Mexico federal Magistrate judges. Removes formulas in statute setting magistrates' salaries at a percentage of other judges' salaries.
Subjects: Courts and Civil Matters; County Affairs; Municipalities/City Government; Public Employees/Retirement
Related: 2022:HB151
Progress: 1st House: Reported from Committees

Status: 01/26/2023 - Senate Finance Committee
History: 01/17/2023—S Introduced and referred to Senate Judiciary. 01/17/2023—S Also referred to Senate Finance. 01/26/2023—S Reported Do Pass by Senate Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB18
Sponsors: Sedillo Lopez (D16)
Title: PROTECTION AGAINST ABUSE AND VIOLENCE ACT
Summary: PROTECTION AGAINST ABUSE AND VIOLENCE ACT. Broadens the scope of state law providing for protective orders against violence and abuse. Includes orders of protection in cases or stalking or sexual assault whether the victim is a household member. Makes several procedural and some substantive changes in the law throughout related to protective orders. Renames the Family Violence Protection Act as the "Protection Against Abuse and Violence Act."
Subjects: Criminal Code; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 02/02/2023 - Senate Judiciary Committee
History: 01/26/2023—S Introduced and referred to Senate Health and Public Affairs. 01/26/2023—S Also referred to Senate Judiciary. 02/02/2023—S Reported Do Pass as amended by Senate Health and Public Affairs.

Bill: SB19
Sponsors: Maestas (D26)
Title: LAW ENFORCEMENT AND PUBLIC SAFETY TELECOMMUNICATOR TRAINING
Summary: Provides mechanisms to strengthen law enforcement and public safety telecommunicator professions and training and authorizes the suspension of law enforcement officers who fail to submit proof of required in-service training. Amends the New Mexico Law Enforcement Standard and Training Council's and the Law Enforcement Certification Board's membership and duties. Appropriates \$3.9 million (GF) to the Law Enforcement Academy and the Law Enforcement Certification Board for specified purposes.
Subjects: Telecommunications; Public Safety and Corrections; Indians
Progress: 1st House: Referred to Committee
Status: 01/25/2023 - Senate Judiciary Committee
History: 01/25/2023—S Introduced and referred to Senate Judiciary. 01/25/2023—S Also referred to Senate Finance.

Bill: SB29
Sponsors: O'Neill (D13)
Title: MEDICAL AND GERIATRIC PAROLE PROCEDURES
Summary: (For the Courts, Corrections and Justice Committee) (Broadly identical to 2022 SB29 and 2021 SB114) Amends the Probation and Parole Act to add parole procedures for geriatric, permanently incapacitated, and terminally ill inmates, except for inmates convicted of first degree murder. Repeals existing Sec. 31-21-25.1 which provides for medical and geriatric parole.
Subjects: Criminal Code; Aging
Progress: 1st House: Reported from Committees
Status: 01/31/2023 - Senate Calendar
History: 01/17/2023—S Introduced and referred to Senate Health and Public Affairs. 01/17/2023—S Also referred to Senate Judiciary. 01/25/2023—S Reported Do Pass by Senate Health and Public Affairs. 01/31/2023—S Reported Do Pass by Senate Judiciary.
Scheduled: 02/06/2023—Senate Calendar, 11:00 a.m., Senate Floor
Comments: NMSC bill. Meeting of 24 Jan 23: The committee took no action on this bill as it is one of the NMSC pieces of legislation, and was supported by the Commission.

Bill: SB33
Sponsors: Shendo (D22)
Title: TRIBAL AND PUEBLO LAW ENFORCEMENT

Summary: AUTHORITY AS PEACE OFFICERS
 Authorizes certified and commissioned tribal, pueblo and BIA police or law enforcement officers who are certified by the NM Law Enforcement Academy or an academy-approved training program to enforce state laws within the exterior boundaries of the tribal or pueblo officer's reservation without the necessity of also being commissioned as a peace officer by the New Mexico State Police, as required under current law.

Subjects: County Affairs; Municipalities/City Government; Public Safety and Corrections; Indians; Insurance; State Affairs and State Agencies

Progress: Introduced

Status: 01/17/2023 - Senate Indian, Rural and Cultural Affairs Committee

History: 01/17/2023—S Introduced and referred to Senate Indian, Rural & Cultural Affairs.
 01/17/2023—S Also referred to Senate Judiciary.

Scheduled: 02/07/2023—Senate Indian, Rural and Cultural Affairs, 9:30 a.m., Room 303

Comments: Meeting of 24 Jan 23: DPS noted that it had concerns about the legislation, and so noted in their FIR; it should be clear what is taken to certify an officer, and that there were people who had lost their NM certification who were now officers on some pueblos; there was also great concern about the quality of existing non-Academy certifications of officers. The committee voted not to support this legislation by a vote of 9-0, with AGO abstaining.

Bill: SB34

Sponsors: Pope (D23)

Title: TWO YEAR BAR ON LOBBYING BY FORMER LEGISLATORS

Summary: Amends the Lobbyist Regulation Act to prohibit former legislators from accepting compensation as lobbyists for two years after their legislative service and prohibit lobbyists' employers from compensating former legislators as lobbyists during that period. Upon conviction, a violator is guilty of a misdemeanor and subject to sentencing under Sec. 31-19-1 of the Criminal Code.

Subjects: Criminal Code; Legislature

Progress: 1st House: Reported from Committees

Status: 01/31/2023 - Senate Judiciary Committee

History: 01/17/2023—S Introduced and referred to Senate Rules.
 01/17/2023—S Also referred to Senate Judiciary.
 01/31/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Rules.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB43

Sponsors: Duhigg (D10)

Title: ACTS OF INTIMIDATION AGAINST ELECTION CLERKS AND AGENTS

Summary: (Essentially identical to 2022 SB144) Amends the crime of intimidation to include inducing or attempting to induce fear in any employee or agent of the Secretary of State, a County Clerk, a Municipal Clerk, or a member of an election board for the purpose of impeding the free exercise or impartial administration of elections; such intimidation is a 4th degree felony.

Subjects: Elections; Criminal Code; County Affairs; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies

Related: 2022:SB144

Progress: 1st House: Reported from Committees

Status: 01/31/2023 - Senate Finance Committee

History: 01/18/2023—S Introduced and referred to Senate Judiciary.
 01/18/2023—S Also referred to Senate Finance.
 01/31/2023—S Reported Do Pass by Senate Judiciary.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB44

Sponsors: Wirth (D25)

Title: NO FIREARMS NEAR A POLLING PLACE

Summary: Prohibits carrying of a loaded or unloaded firearm within 100 feet of a polling place on election day or while early voting is in progress. Prohibition does not apply to (1) a peace or security officer authorized by an appropriate municipal or county election official to be stationed within 100 feet of a polling place or (2) to a peace officer who carries a firearm in the performance of official duties. Violation is a petty misdemeanor.

Subjects: Elections; Public Safety and Corrections

Progress: 1st House: Reported from Committees

Status: 02/01/2023 - Senate Judiciary Committee

History: 01/18/2023—S Introduced and referred to Senate Rules.
 01/18/2023—S Also referred to Senate Judiciary.
 02/01/2023—S Reported Do Pass by Senate Rules.

Comments: Meeting of 24 Jan 23: DPS expressed the concern as to how this legislation would affect people who had firearms in their car near a polling place.

Bill: SB47

Sponsors: Wirth (D25); Chandler (D43)

Title: NO DRIVER'S LICENSE SUSPENSION FOR FAILURE TO APPEAR OR PAY FINE

Summary: (Similar to 2021 SB7) Amends the Motor Vehicle Code to remove authority, of MVD or a state or tribal court, for a driver's license to be suspended or revoked for failure to appear or pay a motor vehicle fine; provides for reinstatement of any driver's license that was previously suspended or revoked for these reasons.

Subjects: Transportation; Criminal Code; Public Safety and Corrections

Progress: 1st House: Reported from Committees

Status: 02/03/2023 - Senate Calendar

History: 01/18/2023—S Introduced and referred to Senate Judiciary.
 01/18/2023—S Also referred to Senate Finance.
 01/26/2023—S Reported Do Pass as amended by Senate Judiciary.
 02/03/2023—S Reported Do Pass by Senate Finance.

Scheduled: 02/06/2023—Senate Calendar, 11:00 a.m., Senate Floor

Comments: Meeting of 24 Jan 23: The committee voted unanimously to table this legislation until they could hear the AOC's concerns about the bill (AOC was not present at the meeting).

Bill: SB63

Sponsors: Tallman (D18)

Title: DISCLOSURE OF FINALISTS' NAMES FOR APPOINTEE EXECUTIVE POSITIONS

Summary: (Essentially identical to 2021 SB39 and 2020 SB161; substantially similar to 2019 SB259) Changes the requirements of the Inspection of Public Records Act to require a state agency or institution or political subdivision of the state to disclose and prominently post on its website the names and resumes of finalists for appointive executive positions. The identity of other applicants or candidates that are not finalists would remain confidential and not be subject to inspection under the act.

Subjects: State Affairs and State Agencies; Public Employees/Retirement; County Affairs; Municipalities/City Government; Schools and Teachers; Information Technology

Related: 2021:SB39; 2020:SB161

Progress: 1st House: Reported from Committees

Status: 01/26/2023 - Senate Judiciary Committee

History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/18/2023—S Also referred to Senate Judiciary.
 01/26/2023—S Reported Do Pass by Senate Health and Public Affairs.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB64

Sponsors: Sedillo Lopez (D16); Chasey (D18)

Title: PROHIBITS LIFE SENTENCE WITHOUT PAROLE FOR YOUTHFUL OFFENDER

Summary: (Similar to 2022 SB43 and 2021 SB247) Prohibits the imposition on minors convicted of serious crimes of a sentence of life imprisonment without the possibility of release or parole.

Subjects: Applies to current and future prisoners. Criminal Code; Family and Juveniles; Public Safety and Corrections

Progress: 1st House: Reported from Committees

Status: 01/26/2023 - Senate Judiciary Committee

History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
01/18/2023—S Also referred to Senate Judiciary.
01/26/2023—S Reported Do Pass by Senate Health and Public Affairs.

Comments: Meeting of 24 Jan 23: The committee voted unanimously to table this legislation pending further information on whether the bill language was a result of a compromise between advocates and AODA.

Bill: SB82

Sponsors: Hemphill (D28)

Title: NO TIME LIMITS TO PROSECUTE RAPE OF MINOR

Summary: Provides no time limitations for commencing a prosecution for criminal sexual penetration of a minor and criminal sexual contract of a minor. Provides a 15-year time limitation for commencing a prosecution for criminal sexual penetration in the second degree.

Subjects: Criminal Code; Family and Juveniles

Progress: Introduced

Status: 01/18/2023 - Senate Judiciary Committee

History: 01/18/2023—S Introduced and referred to Senate Judiciary.
01/18/2023—S Also referred to Senate Finance.

Comments: Meeting of 24 Jan 23: DPS noted that in general they were in support of this legislation, though they would want to consider further its wider implications. LOPD noted that there is a reason for statutes of limitations – it is less likely that there will be physical evidence as time goes on, and memories fade, so that the process gets further away from the truth. The committee voted to support this legislation by a vote of 5-3 (LOPD and two public members against), with Magistrate Judge and a public member abstaining.

Bill: SB84

Sponsors: O'Neill (D13)

Title: INCARCERATION LIMITS FOR TECHNICAL VIOLATIONS OF PROBATION & PAROLE

Summary: Establishes limits on the Parole Board or the Court for incarceration for technical violations of probation and parole. Applies to a violation of a condition of probation or parole that does not either create a threat to the probationer or released prisoner or others or does not constitute a new criminal charge.

Subjects: Public Safety and Corrections; Criminal Code

Progress: 1st House: Reported from Committees

Status: 01/30/2023 - Senate Judiciary Committee

History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
01/18/2023—S Also referred to Senate Judiciary.
01/30/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.

Comments: Meeting of 24 Jan 23: NMCD noted that this bill directs the Probation and Parole office in how to conduct their violations; at present, a revocation does not have to count against a person, but they would have to count every violation under the legislation; under the legislation it would be more of a challenge to send a person to outpatient treatment upon a violation, versus sending to jail; if they want to work with a person, they would not be able to label something a violation, as the bill toes NMCDs hands; the inclusion of probationers puts an additional burden on the courts, and there would be heavy costs on the counties as more people would be violated to jail. The committee voted unanimously to table this legislation pending further discussions between the sponsor and NMCD.

Bill: SB91

Sponsors: Lopez (D11)

Title: CONDUCT OF LEGISLATORS, PUBLIC OFFICERS AND

Summary: EMPLOYEES
Amends the Governmental Conduct Act (GCA) to recognize that a government position is a public trust and express the public policy of the state and the intent of the Legislature in enacting the GCA that the powers and resources of state and local public office should only be used to advance the public interest and not to obtain personal benefits or to pursue private interests.

Subjects: State Affairs and State Agencies; Legislature; County Affairs; Municipalities/City Government; Public Employees/Retirement Introduced

Progress: 01/18/2023 - Senate Rules Committee

Status: 01/18/2023—S Introduced and referred to Senate Rules.
01/18/2023—S Also referred to Senate Judiciary.

History: 01/18/2023—S Also referred to Senate Finance.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB96

Sponsors: Munoz (D4)

Title: INCREASE MAXIMUM PENSION FOR LAW ENFORCEMENT

Summary: (Related to 2023 HB66) Increases the pension amount for state police, correctional officer, and probation and parole officer members under coverage plan 1 to a maximum of 100 percent of the final average salary (current maximum is 90 percent).
Public Employees/Retirement; Public Safety and Corrections 2023:HB66

Subjects: Public Employees/Retirement; Public Safety and Corrections

Related: 2023:HB66

Progress: 1st House: Reported from Committees

Status: 01/30/2023 - Senate Finance Committee

History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
01/18/2023—S Also referred to Senate Finance.
01/30/2023—S Reported Do Pass by Senate Health and Public Affairs.

Comments: Meeting of 24 Jan 23: DPS noted that this bill has great interest to their department; there is support in PERA, and it could entice more people to join law enforcement. The committee voted to support this legislation by a vote of 7-0, with AGO abstaining.

Bill: SB114

Sponsors: Neville (R2)

Title: ALLOWS CONCEALED HANDGUNS IN RESTAURANTS THAT SERVE SPIRITOUS LIQUOR OR CIDER

Summary: Expands provisions of the Criminal Code to allow a person to carry a loaded or unloaded concealed handgun on the premises of a restaurant licensed to sell spirituous liquors or cider. Current law already allows a concealed handgun to be carried into restaurants that serve beer or wine. This bill extends it to restaurants that serve spirituous liquor or cider.

Subjects: Alcohol, Firearms and Tobacco Products; Business, Manufacturing and Economic Development; Criminal Code; Public Safety and Corrections; Family and Juveniles; Municipalities/City Government; County Affairs

Progress: 1st House: Referred to Committee

Status: 01/19/2023 - Senate Tax, Business and Transportation Committee

History: 01/19/2023—S Introduced and referred to Senate Tax, Business & Transportation.
01/19/2023—S Also referred to Senate Judiciary.

Comments: Meeting of 24 Jan 23: DPS noted that the present statute is confusing, as there is no way for a person to know when they enter an establishment whether it does or does not sell spirituous liquors or cider; DPS supports amending the statute to fix this loophole. The committee split on a vote to support this legislation by a vote of 4-2 (two public members against), with AGO and NMCD abstaining.

Bill: SB116

Sponsors: Hamblen (D38)

Title: MINIMUM AGE TO BUY OR POSSESS CERTAIN SEMI- OR AUTOMATIC FIREARMS

Summary: A new section to the Criminal Code establishes the age of 21 as the minimum age to purchase or possess an automatic firearm,

Subjects: semiautomatic firearm or firearm capable of accepting a large-capacity feeding device. Provides exceptions; provides a penalty. It is equally unlawful to knowingly sell or transfer ownership of this type of firearm to a person under the age of 21. Convictions carry a misdemeanor penalty subject to sentencing under Sec. 31-19-1 of the Criminal Code.

Subjects: Alcohol, Firearms and Tobacco Products; Business, Manufacturing and Economic Development; Criminal Code; Family and Juveniles; Public Safety and Corrections

Progress: 1st House: Reported from Committees

Status: 01/31/2023 - Senate Judiciary Committee

History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
01/19/2023—S Also referred to Senate Judiciary.
01/31/2023—S Reported Do Pass by Senate Health and Public Affairs.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB118

Sponsors: Padilla (D14)

Title: FINANCIAL CRIMES AGAINST THE VULNERABLE

Summary: (Similar to 2021 SB221) Creates two crimes: (1) financial exploitation of an adult who is vulnerable or disabled and (2) unlawful use of a power of attorney. Cited as the Financial Crimes Against Adults Who Are Vulnerable or Disabled Act. Violations constitute third- and second-degree felonies, depending on the number of times the offense is committed. State law enforcement agencies, including the Attorney General, and local law enforcement agencies have concurrent jurisdiction to investigate a report of an allegation of financial exploitation of a vulnerable or disabled adult or of unlawful use of a power of attorney.

Subjects: Aging; Criminal Code; Human Services; Health and Medical Practice; Family and Juveniles

Progress: 1st House: Reported from Committees

Status: 01/31/2023 - Senate Judiciary Committee

History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
01/19/2023—S Also referred to Senate Judiciary.
01/19/2023—S Also referred to Senate Finance.
01/31/2023—S Reported Do Pass by Senate Health and Public Affairs.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB123

Sponsors: Lopez (D11); Dixon (D20)

Title: REBUTTABLE PRESUMPTION AGAINST RELEASE OF CRIMINAL DEFENDANT PENDING TRIAL

Summary: A new section of the Criminal Code creates a rebuttable presumption against release of a criminal defendant where there is probable cause to believe the defendant committed any one of a host of major felony offenses specified in the bill. A court ruling that the presumption applies is subject to (a) its evaluation that the prosecution has satisfied its burden of proof and (b) taking into consideration factors established by N.M. Supreme Court rules for pretrial detention. Nothing shall be deemed to shift the prosecution's burden of proof to the defendant; the burden of proof rests with the prosecuting attorney. Applies to charges first filed against defendants on or after the effective date of this act.

Subjects: Civil Rights; Constitutional Issues and Amendments; Criminal Code; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 01/19/2023 - Senate Health and Public Affairs Committee

History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
01/19/2023—S Also referred to Senate Judiciary.
01/19/2023—S Also referred to Senate Finance.

Comments: Meeting of 24 Jan 23: DPS noted that this was a Governor's bill and thus had their support. The committee voted to support this legislation by a vote of 6-2 (two public members against).

Bill: SB139

Sponsors: Rodriguez (D24)

Title: FUNDS FOR HOMELESS HEALTH CARE AND HOUSING

Summary: (For the Legislative Health and Human Services Committee) Appropriates \$20 million (GF) to the Human Services Department for use in FY2024 to provide homeless people with access to substance use disorder treatment, behavioral health services, and supportive housing.

Subjects: Human Services; Appropriations; Family and Juveniles; Land, Housing and Real Estate; Health and Medical Practice

Progress: 1st House: Reported from Committees

Status: 01/30/2023 - Senate Finance Committee

History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
01/19/2023—S Also referred to Senate Finance.
01/30/2023—S Reported Do Pass by Senate Health and Public Affairs.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB145

Sponsors: Munoz (D4)

Title: STATE POLICE, CORRECTIONS OFFICERS

Summary: Extends the same retirement plan offered to State Police, corrections officers, probation and parole officers (referred to as "member coverage plan 1") to State Police or corrections officers who retired before June 30, 2013.

Subjects: State Affairs and State Agencies; Public Employees/Retirement; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 01/19/2023 - Senate Health and Public Affairs Committee

History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
01/19/2023—S Also referred to Senate Finance.

Comments: Meeting of 24 Jan 23: DPS noted that this would bring officers of captain level and above into the same PERA enhancement arrangement as lower-ranking officers. The committee voted unanimously to support this legislation.

Bill: SB162

Sponsors: Hamblen (D38)

Title: DONA ANA COUNTY: FUNDS FOR TRANSITIONAL HOUSING AND BEHAVIORAL HEALTH SERVICES

Summary: Appropriates \$1.843 million (GF) to the Human Services Department for use in FY2024 to provide funding for an organization in Dona Ana County that is implementing a transitional housing program for people with serious mental illnesses or substance abuse disorders or have recently been released from incarceration.

Subjects: Health and Medical Practice; County Affairs; State Affairs and State Agencies; Human Services; Land, Housing and Real Estate; Appropriations

Progress: 1st House: Referred to Committee

Status: 01/19/2023 - Senate Health and Public Affairs Committee

History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
01/19/2023—S Also referred to Senate Finance.

Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB170

Sponsors: Soules (D37)

Title: INCREASED JUROR COMPENSATION

Summary: Provide for an increase in juror compensation rate. For magistrate, grand or petit juror, the rate of compensation for time in attendance and service shall be paid at the rate of 150% of the greater of the Federal minimum wage rate or the New Mexico minimum wage rate.

Subjects: Courts and Civil Matters; Public Finance and Budgets

Progress: 1st House: Reported from Committees

Status: 02/02/2023 - Senate Finance Committee

History: 01/23/2023—S Introduced and referred to Senate Judiciary.
01/23/2023—S Also referred to Senate Finance.

Comments: 02/02/2023—S Reported Do Pass by Senate Judiciary. Meeting of 31 Jan 23: A public member noted that anything that can be done to increase compensation for citizens in a good thing. AODA noted that there are problems filling juries in rural areas, which can delay trials and endanger criminal cases moving forward. AOC noted that while the courts do not oppose this bill, they are concerned about the effective date as there is no appropriation for the coming fiscal year to cover this increased compensation. LOPD expressed the concern that this is an unfunded mandate.

Bill: SB171
Sponsors: Soules (D37)
Title: AUTOMATIC FIREARM SALES
Summary: Would prohibit the sale of automatic firearms, including “assault pistols” and adds new definitions for prohibited weapons in statute.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code
Progress: Introduced
Status: 01/23/2023 - Senate Health and Public Affairs Committee
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
Scheduled: 02/06/2023—Senate Health and Public Affairs Committee, 1:30 p.m. or 1/2 hour after floor session, Room 311
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB172
Sponsors: Ortiz y Pino (D12)
Title: NO STATE DETENTION FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS
Summary: Prohibits housing or detention of individuals for federal civil immigration violations by state or local law enforcement, law enforcement officials, or any unit of state or local government. Requires those entities to terminate any contract or intergovernmental agreement to house or detail civil immigration violators by January 1, 2024; and prohibits any future agreements or transactions that would have the effect of supporting such detention.
Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Public Safety and Corrections
Progress: Introduced
Status: 01/23/2023 - Senate Health and Public Affairs Committee
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
Scheduled: 02/06/2023—*BILL REMOVED* Senate Health and Public Affairs Committee, 1:30 p.m. or 1/2 hour after floor session, Room 311
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB174
Sponsors: Schmedes (R19)
Title: PRETRIAL RELEASE STANDARDS, BONDS AND RISK ASSESSMENTS
Summary: Allows a defendant the option to waive the necessity of posting bail charges if they prove that they lack the financial means to meet their bail and do not pose an imminent danger to the community.
Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Family and Juveniles
Progress: Introduced
Status: 01/23/2023 - Senate Health and Public Affairs Committee
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
 01/23/2023—S Also referred to Senate Finance.
Scheduled: 02/06/2023—Senate Health and Public Affairs Committee, 1:30 p.m. or 1/2 hour after floor session, Room 311
Comments: Meeting of 31 Jan 23: LOPD noted that the bill appears to require a showing of indigency in the courtroom, which would duplicate indigency finding LOPD already does; LOPD does

approximately 60,000 indigency cases a year, which would be a huge burden on the courts; the rebuttable presumptions in the bill are unconstitutional; and holding more people would put an additional burden on county jails, which are already understaffed. AOC noted they shared these concerns. The committee voted not to support this legislation by a vote of 7-1 (AODA against), with NMCD abstaining.

Bill: SB187
Sponsors: Jaramillo, L. (D5)
Title: HABITUAL OFFENDER SENTENCING
Summary: Excludes personal drug possession charges from being considered habitual offenses for the purposes of extending sentences by one year under all subsections of Sec. 31-18-17.
Subjects: Criminal Code
Progress: Introduced
Status: 01/23/2023 - Senate Health and Public Affairs Committee
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 31 Jan 23: LOPD noted that the vast majority of cases where there is just a suspension charge, the judge is willing to suspend the sentence but the habitual offender statute requires serving the enhancement. AODA noted that many trafficking cases are pled to possession, so that the person convicted is not necessarily someone who simply possesses. A motion to support this legislation failed.

Bill: SB199
Sponsors: Woods (R7)
Title: SEPARATING BARNYARD LARCENY CHARGES
Summary: (Duplicate of 2023 HB153) Specifies an additional third-degree felony livestock larceny charge for every animal stolen, increasing the cumulative penalty for stealing a barnyard of farm animals. The theft of multiple livestock shall constitute a separate offense for each individual animal stolen.
Subjects: Agriculture and Ranching; Criminal Code; Courts and Civil Matters
Related: 2023:HB153
Progress: Introduced
Status: 01/24/2023 - Senate Judiciary Committee
History: 01/24/2023—S Introduced and referred to Senate Judiciary.
 01/24/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: AODA noted that due to a recent court decision, if someone steals multiple livestock, they can only receive one felony charge for the theft; the problem this bill is trying to address is particularly acute with cattle, where 50 to 100 head can be taken at a time at \$1,000 a head; in present law livestock is separated out in the larceny statute, so a change is needed; the hope is to increase the deterrence value. LOPD noted that in their FIR, they suggested amending the statute in a different way, similar to firearm larceny, with a minimum floor; the statute as written could mean that someone is facing 100s of years in prison for larceny. A vote to support this legislation was split, 3-3 (LOPD and two public members against), with AOC, DPS, NMCD, and a Magistrate Judge abstaining.

Bill: SB201
Sponsors: Munoz (D4)
Title: STATE INSPECTORS GENERAL ACT
Summary: (For the Legislative Finance Committee) Cited as the State Inspectors General Act, with the stated purpose of creating independent and objective units within ten state cabinet-level departments, the bill creates an independent Office of Inspector General within each department to perform internal and compliance audits and investigations of the department and state-funded entities. Provides for extensive reporting. Also creates the Government Accountability Coordinating Council to review reports.
Subjects: State Affairs and State Agencies; Public Finance and Budgets; Schools and Teachers; Higher Education
Progress: Introduced

Status: 01/24/2023 - Senate Judiciary Committee
History: 01/24/2023—S Introduced and referred to Senate Judiciary.
 01/24/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB215
Sponsors: Moores (R21)
Title: ANIMAL SEXUAL ABUSE ACT
Summary: Creates a new crime of “bestiality” and “aggravated bestiality” in Sec. 30-9A-3 within the Criminal Code, called the Animal Sexual Abuse Act and provides penalties.
Subjects: Agriculture and Ranching; Criminal Code; Miscellaneous; Natural Resources (Parks and Wildlife)
Progress: 1st House: Referred to Committee
Status: 01/25/2023 - Senate Health and Public Affairs Committee
History: 01/25/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/25/2023—S Also referred to Senate Judiciary.
 01/25/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB220
Sponsors: Ortiz y Pino (D12)
Title: CHANGES DISTRIBUTION OF LIQUOR EXCISE TAX PROCEEDS
Summary: As of July 1, 2023, converts the portion of Liquor Excise Tax Receipts flowing to the state General Fund into funding for alcohol and substance abuse treatment through the Local DWI Fund, a carveout for Gallup, The Drug Court Fund, and the County Alcohol and Substance Abuse Prevention and Treatment Fund.
Subjects: Alcohol, Firearms and Tobacco Products; County Affairs; State Affairs and State Agencies; Appropriations
Progress: 1st House: Referred to Committee
Status: 01/25/2023 - Senate Tax, Business and Transportation Committee
History: 01/25/2023—S Introduced and referred to Senate Tax, Business & Transportation.
 01/25/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB252
Sponsors: Pope (D23); Rubio (D35)
Title: LAW ENFORCEMENT OFFICER PROCEDURES ACT
Summary: (Related to 2021 SB227) Prohibits unlawful use of force by a law enforcement officer; specifies procedures for independent review of use of force and circumstances to be considered; provides penalties; imposes a duty to intervene and prohibits retaliatory action; mandates adoption of agency policies and training regarding use of force and a protocol for reporting officer-involved injuries or deaths; specifies procedures for announcing and showing search warrants.
Subjects: Public Safety and Corrections; Criminal Code; Civil Rights
Related: 2021:SB227
Progress: 1st House: Referred to Committee
Status: 01/26/2023 - Senate Judiciary Committee
History: 01/26/2023—S Introduced and referred to Senate Judiciary.
 01/26/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: DPS noted that they had a series of problems with the bills; it would cause a series of policy changes for law enforcement; it would change the parameters for reasonable use of force that have been established in case law; there are constitutional issues as well. The committee voted not to support this legislation by a vote of 6-1 (LOPD against), with AOC and two public members abstaining.

Bill: SB264
Sponsors: Maestas (D26)
Title: AGGREGATION OF EMBEZZLEMENT FOR PENALTIES
Summary: Amends Sec. 30-16-8 of the Criminal Code relating to the crime of embezzlement to aggregate the penalty for embezzlements

Subjects: that are committed within consecutive 12-month periods.
Progress: Criminal Code; Public Safety and Corrections
 1st House: Referred to Committee
Status: 01/27/2023 - Senate Health and Public Affairs Committee
History: 01/27/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/27/2023—S Also referred to Senate Judiciary.
 01/27/2023—S Also referred to Senate Finance.

Bill: SB265
Sponsors: Sedillo Lopez (D16)
Title: IN-CUSTODY DEATH OR POLICE USE OF DEADLY FORCE: REPORTING AND INVESTIGATING
Summary: (Very similar to 2021 SB274) Creates a reporting mechanism and assignment of a prosecutor after an in-custody death or a law enforcement officer’s use of deadly force resulting in great bodily harm or death.
Subjects: Criminal Code; Public Safety and Corrections; Civil Rights
Related: 2021:SB274
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - Senate Health and Public Affairs Committee
History: 01/27/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/27/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 31 Jan 23: DPS noted that they had not been consulted about this legislation; DPS is concerned about the trend to put unfunded duties on DPS; DPS does not currently have the manpower to undertake these duties; in addition, there are already task forces that respond to such situations, which utilize separate agencies, and DPS already investigates incidents all over the state. LOPD noted that it was important that there was transparency in these investigations. The committee voted not to support this legislation by a vote of 6-1 (LOPD against), with AOC and two public members abstaining.

Bill: SB278
Sponsors: Gallegos, David (R41)
Title: TERMINATION OF PARENTAL RIGHTS WITHOUT PERMISSION
Summary: Adds two exceptions in the Adoption Act for the termination of parental rights without consent and provides procedures for filing petitions and requesting a hearing. If the biological father of an adopted child conceived as the result of criminal sexual penetration or incest, no permission is required from that father to terminate his parental rights. No permission is required to terminate the parental rights of a biological parent of an adopted child if that parent’s legal and physical custody and visitation rights have been permanently suspended.
Subjects: Criminal Code; Human Services; Public Safety and Corrections; Family and Juveniles
Progress: 1st House: Referred to Committee
Status: 01/30/2023 - Senate Health and Public Affairs Committee
History: 01/30/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/30/2023—S Also referred to Senate Judiciary.

Bill: SB288
Sponsors: Jaramillo, L. (D5)
Title: LAW ENFORCEMENT FUND DISTRIBUTION
Summary: Requires the Department of Finance and Administration to establish a program to distribute funds allocated for New Mexico law enforcement, to prevent crime and improve public safety. A similar program exists under current law for local law enforcement agencies to provide recruitment and retention stipends to law enforcement officers.)
Subjects: Public Safety and Corrections; Municipalities/City Government; Public Finance and Budgets
Progress: 1st House: Referred to Committee
Status: 01/31/2023 - Senate Health and Public Affairs Committee
History: 01/31/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/31/2023—S Also referred to Senate Finance.

Bill: SB302
Sponsors: Stewart (D17)
Title: REDUCING REACH OF THE JUDICIAL STANDARDS COMMISSION
Summary: Strips the Judicial Standards Commission’s authority to regulate the conduct and character of court-appointed commissioners, hearing officers, administrative law judges or special masters when the officials are acting in a judicial capacity. Limits the commission’s oversight to only justices, judges or magistrates.
Subjects: Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - Senate Health and Public Affairs Committee
History: 02/01/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/01/2023—S Also referred to Senate Judiciary.

Bill: SB310
Sponsors: Ortiz y Pino (D12)
Title: CRISIS TRIAGE CENTERS
Summary: Authorizes specialized mental health units to involuntarily admit people under certain circumstances and law enforcement officers to detain and transport individuals to these units involuntarily.
Subjects: Health and Medical Practice; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - Senate Health and Public Affairs Committee
History: 02/01/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/01/2023—S Also referred to Senate Judiciary.

Bill: SB311
Sponsors: Gallegos, David (R41)
Title: SURRENDER OF INFANTS TO FIRST RESPONDERS AND APPROPRIATION
Summary: (Similar to 2022 SB168, HB157, 2020 HB190) Amends the Safe Haven for Infants Act to permit persons to leave infants up to 90 days old with first responders or in safety devices attached to a safe haven site without criminal prosecution; provides procedures for surrender to a first responder; clarifies immunity for a person surrendering the infant; provides limited immunity for staff of the safe haven site; allows for installation and provides requirements for monitoring, operation and inspection of surrender safety devices; requires Children, Youth and Families Department rulemaking and Public Education Department collaboration. Appropriates \$70,000 (GF) to CYFD for public education purposes.
Subjects: Family and Juveniles; Criminal Code; Appropriations; County Affairs; Municipalities/City Government; Health and Medical Practice; Public Safety and Corrections; Schools and Teachers; Insurance
Related: 2022:SB168; 2022:HB157; 2020:HB190
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - Senate Judiciary Committee
History: 02/01/2023—S Introduced and referred to Senate Judiciary.
 02/01/2023—S Also referred to Senate Finance.

Bill: SB316
Sponsors: Lopez (D11)
Title: JUVENILE COMMUNITY CORRECTIONS GRANTS
Summary: Imposes socio-economic review criteria on CYFD when awarding grants from the Juvenile Community Corrections Grant Fund.
Subjects: Family and Juveniles
Progress: 1st House: Referred to Committee
Status: 02/02/2023 - Senate Health and Public Affairs Committee
History: 02/02/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/02/2023—S Also referred to Senate Finance.

Bill: SB339
Sponsors: Lopez (D11)

Title: JUVENILE EQUITY COMMUNITY GRANT FUND
Summary: Renames the Juvenile Continuum Grant Fund as the Juvenile Equity Community Grant Fund, expands the uses of the Fund; and adds other provisions aimed at making the provision of juvenile justice continuum services equitable.
Subjects: Family and Juveniles; State Affairs and State Agencies; Courts and Civil Matters; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/03/2023 - Senate Health and Public Affairs Committee
History: 02/03/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/03/2023—S Also referred to Senate Finance.

Bill: SJM2
Sponsors: Munoz (D4)
Title: STUDY STATE EMPLOYEE CLASSIFICATION AND COMPENSATION SYSTEMS
Summary: Requests that the Legislative Council Service (1) commission a governmentwide study of employee classification and compensation systems and benefits practices across all branches of state government; and (2) appoint a joint task force to support and monitor the progress of the study.
Subjects: Public Employees/Retirement; State Affairs and State Agencies; Legislature
Progress: 1st House: Reported from Committees
Status: 02/01/2023 - Senate Health and Public Affairs Committee
History: 01/19/2023—S Introduced and referred to Senate Rules.
 01/19/2023—S Also referred to Senate Health and Public Affairs.
 02/01/2023—S Reported Do Pass by Senate Rules.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SJR3
Sponsors: Brandt (R40)
Title: CA: NONPARTISAN JUDICIAL ELECTIONS
Summary: (Identical to 2022 SJR6 as SRC amended) Proposes to amend Article 6, Sec. 33 of the state Constitution to require that all elections for Justice of the Supreme Court, Judge of the Court of Appeals, District Judge, and Metropolitan Court Judge be nonpartisan.
Subjects: Courts and Civil Matters; Constitutional Issues and Amendments; Elections
Related: 2022:SJR6
Progress: 1st House: Referred to Committee
Status: 01/19/2023 - Senate Rules Committee
History: 01/19/2023—S Introduced and referred to Senate Rules.
 01/19/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.