

## New Mexico Sentencing Commission Bill Tracker (2024 Reg)

**Bill:** HB19  
**Sponsors:** Chasey (D18); Duhigg (D10)  
**Title:** ELECTION OFFENSES: DISRUPTING RESULTS AND FALSE ELECTORS  
**Summary:** (HEM No. 38) Creates two new crimes related to election offenses: disrupting election results and falsely acting as a presidential elector. Both carry the penalty of a third degree felony.  
**Subjects:** Elections; Criminal Code  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - House Judiciary Committee  
**History:** 01/25/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/25/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/25/2024—H Introduced and referred to House Government, Elections & Indian Affairs.  
 01/25/2024—H Also referred to House Judiciary.  
 02/02/2024—H Reported Do Pass by House Government, Elections & Indian Affairs.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** HB27  
**Sponsors:** Garratt (D29)  
**Title:** EXTREME RISK FIREARM PROTECTION ORDER CHANGES  
**Summary:** House Judiciary Committee substitute for House Consumer and Public Affairs Committee Substitute for HB27 (HEM No 10) makes changes to the previous version of the bill that do not affect its intent. The second substitute clarifies the unique circumstance when an attorney employed by a District Attorney or Attorney General shall petition for an order, that is, when the respondent is a law enforcement officer. It adds law enforcement officers to the list of possible reporting parties who may request an officer to file a petition. The substitute eliminates the option for an oral petition to the court by the officer; petitions must be in writing. It clarifies that upon a respondent's request that the court terminate an order, the court shall schedule and issue notice of a hearing to the parties, and changes responsibility for providing for entry and removal of the order from the NCIC and other notice systems.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Civil Rights; Courts and Civil Matters; Criminal Code; County Affairs; Municipalities/City Government; Public Safety and Corrections; Schools and Teachers  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/30/2024 - House Calendar  
**History:** 01/16/2024—H Introduced and referred to House Rules & Order of Business.  
 01/17/2024—H Found Germane by Speaker Martinez and removed from Rules Committee pursuant to House Executive Message.  
 01/17/2024—H Referred to House Consumer & Public Affairs.  
 01/17/2024—H Referred to House Judiciary.  
 01/24/2024—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.  
 01/30/2024—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.  
**Scheduled:** 02/03/2024—House Calendar, 11:30 a.m., House Chamber  
**Comments:** Meeting of 23 Jan 24: DPS noted that a task force was formed to come up with revisions to the statutes concerning the Extreme Risk Firearm Protection Order Act, discussions which included a need for additional training on the mechanics of the bill. The revisions in this bill were a result of those discussions. Upon a motion by DPS, seconded by NMCD, the Committee voted to support this legislation by a vote of 10-1 (a public member against), with LOPD and a public member abstaining.

**Bill:** HB36  
**Sponsors:** Herndon (D28)  
**Title:** LONG-TERM RESIDENTIAL REHAB CENTER ACT AND APPROPRIATION  
**Summary:** Creates the Long-Term Residential Rehabilitation Center Act to establish a center under the administration and control of the Department of Health (DOH) to provide for up to 18 months of residential substance use treatment to persons addicted to drugs and alcohol. Appropriates \$16.0 million to the Purchasing Division of the General Services Department to purchase a facility in Albuquerque for the Center.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Health and Medical Practice; State Affairs and State Agencies; Appropriations; Procurement/Purchasing  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/16/2024 - House Rules and Order of Business Committee  
**History:** 01/16/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB43  
**Sponsors:** Rehm (R31)  
**Title:** CATALYTIC CONVERTER ENGRAVING TOOL, STATE POLICE APPROPRIATION  
**Summary:** (For the Courts, Corrections and Justice Committee) Appropriates \$400,000 (GF, nonreverting) to the New Mexico State Police Division for FY2025 and subsequent fiscal years to purchase tools for engraving vehicle ID numbers onto catalytic converters. Mandates that the State Police enter into agreements with law enforcement agencies and auto repair and service shops to loan them the tools in exchange for providing the service of engraving vehicle ID numbers onto catalytic converters of state residents at no cost. Provides for the terms of the proposed loans.  
**Subjects:** Transportation; Business, Manufacturing and Economic Development; Public Safety and Corrections; Appropriations  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/23/2024 - House Appropriations and Finance Committee  
**History:** 01/17/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/17/2024—H Introduced and referred to House Judiciary.  
 01/17/2024—H Also referred to House Appropriations & Finance.  
 01/23/2024—H Reported Do Pass as amended by House Judiciary.  
**Comments:** Meeting of 23 Jan 24: DPS noted that they liked the concept of supporting the engraving of tracking numbers on catalytic converters, but to send the monies to DPS to then pass along to law enforcement agencies to then pass along to body shops posed a challenge. There have been discussions about amending the bill. Upon a motion by DPS, seconded by LOPD, the Committee unanimously voted to table discussion of this bill pending amendments.

**Bill:** HB44  
**Sponsors:** Rehm (R31)  
**Title:** PRETRIAL DETENTION PRESUMPTION  
**Summary:** (Identical to 2023 HB509) Relates to pretrial detention. Establishes a presumption that the prosecution has proven by clear and convincing evidence that a defendant is dangerous and no release conditions will reasonably protect the safety of any other person or the community. Allows for the presumption to be rebutted by defendant in an adversarial hearing.  
**Subjects:** Public Safety and Corrections; Constitutional Issues and Amendments; Courts and Civil Matters; Criminal Code  
**Related:** 2023:HB509; 2023:HJR4; 2023:HJR9; 2023:SB123;

**Progress:** 2022:SB189  
1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB45**  
**Sponsors:** Rehm (R31)  
**Title:** EMBEZZLEMENT FOR ANOTHER’S USE  
**Summary:** (For the Courts, Corrections and Justice Committee) Amends Section 30-16-8 of the Criminal Code to clarify that the crime of embezzlement includes embezzling or converting anything of value to another’s use, as well as to the use of the person accused.

**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB46**  
**Sponsors:** Rehm (R31)  
**Title:** FELON IN POSSESSION OF FIREARM PENALTY  
**Summary:** (HEM 6) (Similar to 2023 HB458, HB61, HB113) Imposes a penalty for a felon in possession of a firearm or destructive device of five years imprisonment; increases the penalty for a serious violent felon in possession of a firearm or destructive device to a second-degree felony (up from third degree). Effective date is July 1, 2024.

**Subjects:** Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections  
**Related:** 2023:HB458; 2023:HB61; 2023:HB113  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/25/2024 - House Consumer and Public Affairs Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.  
01/25/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
01/25/2024—H Referral withdrawn from House Rules & Order of Business.  
01/25/2024—H Referred to House Consumer & Public Affairs.  
01/25/2024—H Referred to House Judiciary.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** **HB47**  
**Sponsors:** Rehm (R31)  
**Title:** UNLAWFUL CARRYING OF FIREARM WHILE TRAFFICKING DRUGS  
**Summary:** (For the Courts, Corrections and Justice Committee) (Almost identical to 2023 HB59) Creates the crime of unlawful carrying of a firearm while trafficking a controlled substance, making it a third-degree felony, and subject to sentencing under provisions of Sec. 31-18-15 (Criminal Sentencing Act). As used in this 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:** Alcohol, Firearms and Tobacco Products; Public Safety and Corrections; Courts and Civil Matters  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB52**  
**Sponsors:** Martinez, A. (R23)  
**Title:** APPROPRIATION: SANDOVAL COUNTY OFFICIALS DOMESTIC VIOLENCE TRAINING  
**Summary:** Provides a \$100,000 (GF) appropriation to DFA’s Local Government Division for use in FY2025 for Sandoval County to provide domestic violence training to municipal, county and tribal law enforcement officers, probation and parole officers,

**Subjects:** court personnel and victim advocates.  
Appropriations; County Affairs; Public Safety and Corrections; Health and Medical Practice; Family and Juveniles

**Progress:** 1st House: Reported from Committees  
**Status:** 01/26/2024 - House Appropriations and Finance Committee  
**History:** 01/17/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/17/2024—H Introduced and referred to House Consumer & Public Affairs.  
01/17/2024—H Also referred to House Appropriations & Finance.  
01/26/2024—H Reported Do Pass as amended by House Consumer & Public Affairs.  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** **HB55**  
**Sponsors:** Mason (R66)  
**Title:** ORAL FLUID ROADSIDE DETECTION PILOT PROJECT  
**Summary:** (Identical to 2023 HB275) 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 FY2025 through FY2028.

**Subjects:** Public Safety and Corrections; Civil Rights; Courts and Civil Matters; Municipalities/City Government; County Affairs; Appropriations  
**Related:** 2023:HB275  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB56**  
**Sponsors:** Brown (R55)  
**Title:** CRIMINAL PENALTY: PROPERTY TRESPASS WITHOUT OWNER PERMISSION  
**Summary:** Amends the Criminal Code to clarify that trespass includes persons who knowingly enter without prior permission or remain on the lands of another knowing that the owner or lawful occupant or custodian of the lands did not provide or withdrew permission to enter or remain. Increases penalty for trespass. Makes other minor language cleanup changes.

**Subjects:** Criminal Code; Land, Housing and Real Estate; Natural Resources (Parks and Wildlife)  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB57**  
**Sponsors:** Lord (R22)  
**Title:** CHEMICAL CASTRATION AS A CONDITION OF PAROLE FOR SEX OFFENDERS

**Summary:** (Similar to 2023 HB128) Requires chemical castration as a condition of parole for sex offenders; refusing treatment is a parole violation.  
**Subjects:** Criminal Code; Civil Rights  
**Related:** 2023:HB128  
**Progress:** Introduced  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.  
01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB58**  
**Sponsors:** Lord (R22)  
**Title:** NO BACKGROUND CHECK FOR FIREARM SALES

**Summary:** Proposes to repeal Sec. 30-7-7.1 of the Criminal Code thereby abolishing the provision that makes it unlawful to sell a firearm without conducting an instant background check.

**Subjects:** Alcohol, Firearms and Tobacco Products; Criminal Code

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB60**

**Sponsors:** Lord (R22)

**Title:** CRIME OF DESECRATION OF A DEAD HUMAN BODY

**Summary:** Creates the felony crimes of criminal desecration of a dead human body, criminal sexual contact with a dead human body, and criminal sexual penetration of a dead human body.

**Subjects:** Criminal Code; Miscellaneous

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB61**

**Sponsors:** Reeb (R64)

**Title:** AGGRAVATED BATTERY ON A PEACE OFFICER PENALTY

**Summary:** Proposes to make the crime of committing aggravated battery on a police officer a second degree felony when 1) inflicting great bodily harm; 2) doing so with a deadly weapon; or 3) doing so in any manner whereby great bodily harm or death can be inflicted.

**Subjects:** Criminal Code; Public Safety and Corrections

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB62**

**Sponsors:** Reeb (R64)

**Title:** ANALYST TESTIMONY BY VIDEO IN TRAFFIC OFFENSE HEARINGS

**Summary:** (Identical to 2023 HB159) 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 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.

**Subjects:** Courts and Civil Matters; Public Safety and Corrections; Transportation

**Related:** 2023:HB159

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB65**

**Sponsors:** Reeb (R64)

**Title:** CANNABIS CRIME: REASONABLE SUSPICION

**Summary:** Amends the Cannabis Regulation Act to remove certain limitations on what may constitute reasonable suspicion of a crime involving cannabis.

**Subjects:** Cannabis/Controlled Substances; Criminal Code; Public Safety and Corrections; Civil Rights

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB66**

**Sponsors:** Reeb (R64)

**Title:** CANNABIS: JUVENILE DELINQUENCY ACT

**Summary:** (Very similar to 2023 HB154) Amends the Cannabis Regulation Act and the Delinquency Act to provide that a minor using, possessing, growing or selling cannabis products commits an act of juvenile delinquency; this 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

**Related:** 2023:HB154

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB69**

**Sponsors:** Duncan (R2)

**Title:** CRIME OF ORGANIZED RESIDENTIAL THEFT

**Summary:** (Related to 2023 HB397) Creates and defines the felony crime of organized residential theft and establishes penalties based on the value of property stolen.

**Subjects:** Criminal Code

**Related:** 2023:HB397

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB77**

**Sponsors:** Block (R51)

**Title:** REINSTATE DEATH PENALTY

**Summary:** Amends the Sentencing Act to reinstate the death penalty for certain capital felony convictions where aggravating circumstances exist, in which event a jury shall determine at a separate hearing whether the defendant shall be sentenced to (1) life imprisonment; (2) life imprisonment without the possibility of release or parole; or (3) death. The death penalty requires execution by lethal injection. The level of the punishment determination shall be guided by specified aggravating circumstances, and whether other mitigating circumstances exist. New to the act is a provision that would require a separate, second Sentencing Trial be held to determine which of the three types of punishment will be imposed on the defendant. Requires an automatic review of a death penalty conviction and sentence by the Supreme Court. Establishes procedures for execution by death. Prohibits execution of an “insane” person.

**Subjects:** Criminal Code; Constitutional Issues and Amendments; Courts and Civil Matters; Health and Medical Practice; Public Safety and Corrections

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB78**

**Sponsors:** Block (R51)

**Title:** OPEN SEASON FOR CONCEALED LOADED FIREARM

**Summary:** (Essentially identical to 2023 HB164) 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:** Public Safety and Corrections; Criminal Code; Alcohol, Firearms and Tobacco Products; Higher Education

**Related:** 2023:HB164

**Progress:** 1st House: Referred to Committee

**Status:** 01/17/2024 - House Rules and Order of Business Committee

**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB80  
**Sponsors:** Block (R51)  
**Title:** CRIMES AGAINST PUBLIC SERVICE WORKERS  
**Summary:** Amends the Criminal Code to create crimes against public service workers: assault, aggravated assault, battery, aggravated battery, accessory to commit assault or battery, and conspiracy to commit assault or battery against a public service worker in the lawful discharge of the worker's duties; establishes penalties. Applies to crimes against certain employees of the Children, Youth and Families Department.  
**Subjects:** Criminal Code; Family and Juveniles; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB86  
**Sponsors:** Borrego (D17)  
**Title:** APPROPRIATION: STATE POLICE PERSONAL PROTECTION & CANNABIS TESTING EQUIPMENT  
**Summary:** Provides \$500,000 (GF) to the N.M. State Police Division, Department of Public Safety, for use in FY2025 for personal protection equipment and cannabis testing equipment.  
**Subjects:** Appropriations; Public Safety and Corrections; Cannabis/Controlled Substances  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/23/2024 - House Appropriations and Finance Committee  
**History:** 01/17/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/17/2024—H Introduced and referred to House Judiciary.  
 01/17/2024—H Also referred to House Appropriations & Finance.  
 01/23/2024—H Reported Do Pass by House Judiciary.  
**Comments:** Meeting of 23 Jan 24: LOPD asked if there was any indication in the appropriation what the testing is for. There is none. No action was taken on this legislation.

**Bill:** HB87  
**Sponsors:** Borrego (D17)  
**Title:** COMBINE MOTOR VEHICLE CRIMES FOR SENTENCING  
**Summary:** (Similar in effect to 2023 HB491) Provides that multiple violations of the crimes of unlawful taking, embezzlement, or fraudulently obtaining or receiving a vehicle or motor vehicle, or of transporting stolen vehicles, apply toward sentencing regardless of which section of law was previously violated. Sets penalties.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Related:** 2023:HB491  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB96  
**Sponsors:** Lord (R22)  
**Title:** INCREASE PENALTY FOR RESISTING AN OFFICER  
**Summary:** Amends the Criminal Code to make the crimes of resisting, evading or obstructing an officer a fourth degree felony, rather than a misdemeanor.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB102  
**Sponsors:** Chandler (D43)  
**Title:** MAGISTRATE COURT MADE A COURT OF RECORD  
**Summary:** (HEM No. 43) Except for civil actions brought under the

**Subjects:** Uniform Owner-Resident Relations Act, the magistrate court is declared a court of record. Appeals, including appeals of findings of contempt by the magistrate court, are to be made to the Court of Appeals. Appropriates \$350,000 to AOC for the 2025 and subsequent fiscal years to support on-record proceedings in the magistrate courts.  
 Courts and Civil Matters; Business, Manufacturing and Economic Development; Family and Juveniles; Appropriations  
**Progress:** Introduced  
**Status:** 01/26/2024 - House Judiciary Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.  
 01/26/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/26/2024—H Referral withdrawn from House Rules & Order of Business.  
 01/26/2024—H Referred to House Judiciary.  
 01/26/2024—H Referred to House Appropriations & Finance.  
**Scheduled:** 02/03/2024—House Judiciary Committee, 8:30 a.m., Room 309  
**Comments:** Meeting of 30 Jan 24: AOC noted, upon questions from staff, that they would have to look into the question of probate courts mentioned in one of the repealed statutes, and that the Court would consider under rule how bail decisions would be handled given the constitutional provision around courts of record and bail – this was part of the reason for the delayed effective date to July 1, 2025. The Court would also be working on rules for the whole appellate process in that time. Magistrate Judge noted that this provision was part of a larger bill that the Committee supported last Legislative Session. Upon a motion by AOC, seconded by Magistrate Judge, the Committee voted to support this bill by a vote of 7-3 (LOPD and two public members against), with three abstentions (AODA and two public members).

**Bill:** HB103  
**Sponsors:** Lord (R22)  
**Title:** CHILD ABUSE: EXPOSURE TO CONTROLLED SUBSTANCE; NEWBORNS IN PROTECTIVE CUSTODY  
**Summary:** Adds exposure of a child to a Schedule I or II controlled substance to the definition of abuse of a child. Amends the Abuse and Neglect Act to provide for the taking of a newborn child into temporary protective custody without a court order when the child is identified as affected by substance abuse or demonstrating withdrawal symptoms from prenatal drug exposure or when the child is subject to an environment exposing the child to a laboratory for manufacturing controlled substances. Appropriates \$7 million (GF) for use in FY2025 to carry out the purposes of the act (see last para. for specifics).  
**Subjects:** Criminal Code; Family and Juveniles; Appropriations; State Affairs and State Agencies; Courts and Civil Matters; Health and Medical Practice  
**Progress:** Introduced  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB106  
**Sponsors:** Reeb (R64)  
**Title:** INVESTIGATIONS OF CHILDREN EXPOSED TO FENTANYL  
**Summary:** (For the Courts, Corrections and Justice Committee) Amends the Criminal Code to provide that evidence that a child has been knowingly and intentionally exposed to the use of fentanyl is prima facie evidence of abuse of the child. Appropriates \$500,000 (GF) to Department of Public Safety for FY2025 to expand investigation of child abuse and neglect cases to include incidents involving fentanyl.  
**Subjects:** Criminal Code; State Affairs and State Agencies; Family and Juveniles; Public Safety and Corrections; Appropriations  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/23/2024 - House Appropriations and Finance Committee  
**History:** 01/17/2024—H Found Germane by Speaker Martinez pursuant to Constitution.

01/17/2024—H Introduced and referred to House Judiciary.  
 01/17/2024—H Also referred to House Appropriations & Finance.  
 01/23/2024—H Reported Do Pass by House Judiciary.  
**Comments:** Meeting of 23 Jan 24: Members of the Committee, including AODA and DoJ, expressed concern about the prevalence of fentanyl in New Mexico communities and the dangers of fentanyl exposure for children. AODA commented that methamphetamine is not the largest problem anymore; fentanyl is the largest problem. Both AODA and DoJ remarked that fentanyl overdoses can occur from contact exposure to the drug. A public member inquired whether HB 106 includes fetal exposure to fentanyl; staff responded that the bill does not. Another public member raised concerns that the changes proposed in HB 106 presented vagueness and separation of powers problems. LOPD pointed out that the term “exposed to” is very broad; additionally, some household products can cause as much damage as fentanyl exposure but are not addressed by statute. LOPD also noted that the broad scope of the existing statute would probably already capture dangerous fentanyl exposure, and that while the appellate courts have not yet determined what constitutes exposure, it will surely be addressed eventually. AODA responded that exposure would likely be determined by a child testing positive for fentanyl as is the case presently with methamphetamine exposure under this statute. LOPD also commented that fentanyl can be prescribed to children and expressed concern that the bill does not exclude exposure to fentanyl that was legally prescribed. On a motion from AODA, seconded by DPS, the NMSC Legislative Committee voted to support this bill on a divided vote, 5 to 4 (LOPD and three public members against), with four abstentions (AOC, CYFD, Magistrate Judge, and a public member). The Committee decided to issue a Committee memorandum concerning this legislation.

**Bill:** HB109  
**Sponsors:** Lord (R22)  
**Title:** DEATH PENALTY IMPOSED FOR SEXUAL PENETRATION OF A CHILD  
**Summary:** Provides that aggravated criminal sexual penetration and criminal sexual penetration of a child shall be punishable by death (provides certain exceptions); creates a first-degree felony for human sexual trafficking against a person under 18 years, punishable by death; and establishes a fine of \$100,000 for first-degree felony criminal sexual penetration of a child. The death penalty is imposed for this felony classification.  
**Subjects:** Criminal Code; Family and Juveniles; Constitutional Issues and Amendments; Public Safety and Corrections  
**Progress:** Introduced  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB110  
**Sponsors:** Block (R51)  
**Title:** PRISON TERM FOR HEALTH CARE PROVIDERS WHO PERFORM ABORTIONS  
**Summary:** (Near duplicate of 2023 HB258) Would make abortion by a health care provider a “third-degree felony resulting in the death of a human fetus” and punishable by five years of imprisonment.  
**Subjects:** Health and Medical Practice; Civil Rights; Criminal Code  
**Related:** 2023:HB258  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Rules and Order of Business Committee  
**History:** 01/17/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB112  
**Sponsors:** Hochman-Vigil (D15)  
**Title:** CHANGE LIQUOR EXCISE TAX DISTRIBUTION: ALCOHOL AND SUBSTANCE USE DISORDER TREATMENT

**Summary:** (Almost identical to 2023 SB220) As of July 1, 2024, converts the portion of Liquor Excise Tax Receipts flowing to the state General Fund into funding for alcohol and substance use disorder prevention and treatment through the Local DWI Grant Fund, a carveout for Gallup, the Drug Court Fund, and a newly created County Alcohol and Substance Use Disorder Prevention and Treatment Fund.  
**Subjects:** Taxation, Fees and Audits; Alcohol, Firearms and Tobacco Products; Health and Medical Practice; Human Services; Appropriations; County Affairs; Municipalities/City Government; State Affairs and State Agencies  
**Related:** 2023:SB220  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/17/2024 - House Taxation and Revenue Committee  
**History:** 01/17/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/17/2024—H Introduced and referred to House Taxation & Revenue.  
 01/17/2024—H Also referred to House Appropriations & Finance.  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** HB116  
**Sponsors:** Thomson (D24)  
**Title:** HUMAN TRAFFICKING AND SEX OFFENDERS  
**Summary:** (HEM No. 29) (Related to 2024 SB6906; 2023 HB445, SB82). Related to the crime of human trafficking. Removes the statute of limitations for prosecuting human trafficking; changes the definition of that crime; raises the age for sexual exploitation of children by prostitution to 18; adds human trafficking to the crimes included in the definition of “racketeering”; amends elements of that crime and prohibits certain defenses; prohibits earned meritorious deductions for a human trafficking sentence; and adds victims of human trafficking and sexual exploitation of children to the Victims of Crime Act.  
**Subjects:** Courts and Civil Matters; Family and Juveniles; Public Safety and Corrections  
**Related:** 2023:HB445; 2023:SB82  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/29/2024 - House Judiciary Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.  
 01/23/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/23/2024—H Referred to House Consumer & Public Affairs.  
 01/23/2024—H Referred to House Judiciary.  
 01/29/2024—H Reported Do Pass by House Consumer & Public Affairs.

**Comments:** Meeting of 30 Jan 24: NMCD noted that this was also a Governor’s bill, and that it is looking to increase penalties. DoJ noted that they had a hand in drafting this legislation – importantly, it also targets labor trafficking, as the current statutes are hazy on those charges, especially as they relate to the large amounts of debt that are held over people. Current law makes these kinds of dynamics in human trafficking hard to target. DoJ further note that it is not just child laborers, but that there were camps of such laborers popping up in the state. Chair noted that Bernalillo County DA Bregman has mentioned problems with human trafficking in a presentation he made to the NMSC earlier in the year. A public member raised concerns over the removing of the statute of limitations, which is a rare thing in criminal laws. On a motion from Magistrate Judge, seconded by a public member, the committee voted to table this legislation pending more information by a vote of 10-3 (Chair, AODA, and NMCD against).

**Bill:** HB120  
**Sponsors:** Anyanonu (D19)  
**Title:** APPROPRIATION: MENSTRUAL PRODUCTS FOR INCARCERATED PERSONS  
**Summary:** Appropriates \$250,000 (GF) to the Corrections Department for use in FY2025 for the purchase and distribution of menstrual products to incarcerated persons.

**Subjects:** Public Safety and Corrections; Appropriations; Health and Medical Practice; Human Services

**Progress:** 1st House: Reported from Committees

**Status:** 01/24/2024 - House Appropriations and Finance Committee

**History:** 01/18/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/18/2024—H Introduced and referred to House Consumer & Public Affairs.  
01/18/2024—H Also referred to House Appropriations & Finance.  
01/24/2024—H Reported Do Pass by House Consumer & Public Affairs.

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

**Bill:** **HB127**

**Sponsors:** Szczepanski (D47)

**Title:** MINIMUM AGE OF 21 TO BUY OR POSSESS CERTAIN SEMI- OR AUTOMATIC FIREARMS

**Summary:** (HEM No. 9) (Almost identical to 2023 SB116) Adds a new section to the Criminal Code to establish the age of 21 as the minimum age to purchase or possess an automatic firearm, semiautomatic firearm or large-capacity ammunition 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; Family and Juveniles; Public Safety and Corrections; Criminal Code; Business, Manufacturing and Economic Development

**Related:** 2023:SB116

**Progress:** 1st House: Reported from Committees

**Status:** 01/26/2024 - House Judiciary Committee

**History:** 01/18/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/18/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
01/18/2024—H Introduced and referred to House Consumer & Public Affairs.  
01/18/2024—H Also referred to House Judiciary.  
01/26/2024—H Reported Do Pass by House Consumer & Public Affairs.

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

**Bill:** **HB128**

**Sponsors:** Romero, A. (D46)

**Title:** CANNABIS REGULATION CHANGES

**Summary:** (Almost a duplicate of 2024 SB) Makes a number of changes relating to cannabis regulation including: increases number of mature cannabis plants allowed for a cannabis producer microbusiness from 200 to 500; prohibits co-location of cannabis activities and alcohol sales; allows for conversion from a medical cannabis legacy nonprofit corporation to a corporation, limited liability company, or partnership; provides for seizure of illegal, adulterated or misbranded products; authorizes training and education programs; creates new crimes for trafficking illegal cannabis products; and includes cannabis as contraband in jails and prisons.

**Subjects:** Cannabis/Controlled Substances; Alcohol, Firearms and Tobacco Products; Business, Manufacturing and Economic Development; Public Safety and Corrections; Criminal Code

**Progress:** 1st House: Reported from Committees

**Status:** 01/29/2024 - House Judiciary Committee

**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.  
01/22/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
01/22/2024—H Referral withdrawn from House Rules & Order of Business.  
01/22/2024—H Referred to House Consumer & Public Affairs.  
01/22/2024—H Referred to House Judiciary.  
01/29/2024—H Reported Do Pass by House Consumer & Public Affairs.

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

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**Bill:** **HB129**

**Sponsors:** Romero, A. (D46)

**Title:** UNLAWFUL SALE OF FIREARM BEFORE REQUIRED WAITING PERIOD ENDS

**Summary:** (HEM No. 7) (Similar to 2024 SB6834) Amends the Criminal Code to require a 14-day waiting period for sale of a firearm and transfer of the firearm to the buyer to provide time for a federal instant background check of the buyer. Creates the misdemeanor crime of unlawful sale of a firearm before the required waiting period ends or the federal instant background check is completed, whichever is latest. Provides an exclusion for sale of a firearm between immediate family members.

**Subjects:** Alcohol, Firearms and Tobacco Products; Courts and Civil Matters

**Progress:** 1st House: Passed

**Status:** 02/02/2024 - Passed in the House

**History:** 01/18/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/18/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
01/18/2024—H Introduced and referred to House Consumer & Public Affairs.  
01/18/2024—H Also referred to House Judiciary.  
01/26/2024—H Reported Do Pass by House Consumer & Public Affairs.  
01/30/2024—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.  
02/02/2024—H Opened for floor debate.  
02/02/2024—H Floor amendments adopted (Amendment 1) (Rep. Art De La Cruz) Roll Call 35-34.  
02/02/2024—H Note: Motion to close debate passed 68-2.  
02/02/2024—H Passed 37-33.

**Comments:** Meeting of 23 Jan 24: LOPD asked whether “sale” referred to only a commercial transaction, or also in a situation where someone gives another a firearm. Staff noted that in the bill “sale” meant a transfer, not necessarily solely an exchange of value. No action was taken on this legislation.

**Bill:** **HB137**

**Sponsors:** Romero, A. (D46)

**Title:** GAS-OPERATED SEMIAUTOMATIC FIREARMS EXCLUSION ACT

**Summary:** (HEM No. 8) Cited as the Gas-Operated Semiautomatic Firearms Exclusion Act and inspired by similar legislation at the federal level, HB 137 introduces the measure at the state level — seeking to outlaw semi-automatic assault weapons and large-capacity magazines in an effort to curb gun violence while carving out exemptions for semi-automatic handguns, shotguns and other popular firearms (exemptions for U.S. or any of its departments or agencies, a state or an Indian nation, tribe or pueblo or a department, an agency or a political subdivision; lawfully certified with process established by AG, and in certain other circumstances).

**Subjects:** Alcohol, Firearms and Tobacco Products; Constitutional Issues and Amendments; Criminal Code

**Progress:** 1st House: Reported from Committees

**Status:** 02/01/2024 - House Calendar

**History:** 01/18/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/18/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
01/18/2024—H Introduced and referred to House Consumer & Public Affairs.  
01/18/2024—H Also referred to House Judiciary.  
01/26/2024—H Reported Do Pass by House Consumer & Public Affairs.  
02/01/2024—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.

**Scheduled:** 02/03/2024—House Calendar, 11:30 a.m., House Chamber

**Comments:** Meeting of 23 Jan 24: DoJ noted that requiring their office to create this list of firearms was a huge undertaking, which would

likely require one or two experts to be retained by the DoJ; additionally, the list would require continuous updating. AODA noted that the definition for “gas operated firearm” would capture almost all firearms. Upon a motion by AODA, seconded by DoJ, the Committee voted not to support this bill by a vote of 8-0, with five abstentions (CYFD, DPS, LOPD, NMCD, and a public member).

**Bill:** **HB144**  
**Sponsors:** Hochman-Vigil (D15)  
**Title:** GUN VIOLENCE PREVENTION AND INTERVENTION ACT  
**Summary:** (HEM No. 35) Cited as the Office of Gun Violence Prevention and Intervention Act, it creates the Office of Gun Violence Prevention and Intervention within the Department of Health; creates the Director Selection Committee; establishes powers and duties; requires annual reports to the Legislature. Contemplates a “resource bank” to maintain a collection of materials and resources pertaining to gun violence in New Mexico. Effective date of act is July 1, 2024.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Public Safety and Corrections; State Affairs and State Agencies; Health and Medical Practice  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/31/2024 - House Judiciary Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.  
 01/24/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/24/2024—H Referral withdrawn from House Rules & Order of Business.  
 01/24/2024—H Referred to House Consumer & Public Affairs.  
 01/24/2024—H Referred to House Judiciary.  
 01/31/2024—H Reported Do Pass as amended by House Consumer & Public Affairs.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** **HB152**  
**Sponsors:** Rehm (R31)  
**Title:** PROHIBIT DRIVING WHILE INTOXICATED BY CONTROLLED DRUG  
**Summary:** (Identical to 2023 HB484) Amends the Motor Vehicle Code to prohibits driving under the influence of any drug; removes the requirement that the driver be rendered incapable of safely driving a vehicle to be convicted of driving while intoxicated. Appears to criminalize any blood level of metabolites of marijuana or other controlled substances. Removes some blood-alcohol content conditions for arrest. Specifies that ignition interlocks may only be used to test for alcohol.  
**Subjects:** Criminal Code; Transportation; Public Safety and Corrections; Cannabis/Controlled Substances  
**Related:** 2023:HB484  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2024 - House Rules and Order of Business Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB154**  
**Sponsors:** Rehm (R31)  
**Title:** PERA RETURN TO WORK FOR CERTAIN RETIREES  
**Summary:** Permits certain retired PERA members to return to work with an affiliated employer after a hiatus of at least 120 days. Applies to retired certified law enforcement officers, correctional officers, probation and parole officers, municipal detention officers, water resource professionals and operators of a public water supply or wastewater system at specified levels. Imposes conditions on the retiree/employee and subsequent employer. Sunsets on July 1, 2029.  
**Subjects:** Public Employees/Retirement; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2024 - House Rules and Order of Business Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order

of Business.

**Bill:** **HB155**  
**Sponsors:** Rehm (R31)  
**Title:** CRIMINAL SENTENCING: THREE STRIKES LAW  
**Summary:** Expands the definition of “violent felony” under the Criminal Sentencing Act to include new specific crimes and allows the parole of geriatric prisoners sentenced to mandatory life imprisonment.  
**Subjects:** Criminal Code; Public Safety and Corrections; Aging  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2024 - House Rules and Order of Business Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB156**  
**Sponsors:** Rehm (R31)  
**Title:** JUVENILE DETENTION FACILITY SEGREGATION  
**Summary:** Adds a new section to the Delinquency Act that requires 15-year-olds arrested for alleged acts of delinquency to be physically separated by sight and sound from other youth ages 15 and older in juvenile detention facilities.  
**Subjects:** Family and Juveniles; Courts and Civil Matters; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2024 - House Rules and Order of Business Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB157**  
**Sponsors:** Zamora (R63)  
**Title:** SCHOOL TEACHERS ON-SITE PROTECTION ACT  
**Summary:** Amends the Public School Code by creating a new act that requires the Department of Public Safety (DPS) to conduct school employee firearm training for employees already licensed to carry concealed, and to establish procedures for school employees to become specially licensed by the state and appointed by their superintendents to carry handguns on school premises. Adds such school employees to exceptions in the Criminal Code to the prohibition against carrying a deadly weapon on school premises.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Schools and Teachers; Municipalities/City Government; Criminal Code; Public Employees/Retirement; State Affairs and State Agencies; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2024 - House Rules and Order of Business Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB167**  
**Sponsors:** Jones (R32)  
**Title:** MEDICAL CARE FOR ALL INFANTS BORN ALIVE  
**Summary:** (Nearly identical to 2023 HB441 and HB468) Requires medical care for any infant born alive, whether through labor, cesarean section, or abortion; requires mandatory reporting of violations; provides criminal penalties and civil remedies. Creates a task force for reporting and oversight. Requires monthly inspections of certain health care facilities.  
**Subjects:** Health and Medical Practice; Criminal Code; State Affairs and State Agencies; Civil Rights  
**Related:** 2023:HB441; 2023:HB468  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2024 - House Rules and Order of Business Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB168**  
**Sponsors:** Jones (R32)  
**Title:** BARS UNDOCUMENTED INDIVIDUALS FROM

**Summary:** FIREARMS  
Prohibits an undocumented person from receiving, transporting or possessing a firearm or destructive device; provides a penalty.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Criminal Code  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2024 - House Rules and Order of Business Committee  
**History:** 01/18/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB183  
**Sponsors:** Little (D68)  
**Title:** NEGLIGENT USE OF DEADLY WEAPON  
**Summary:** (HEM No. 47) Amends the Criminal Code to increase the penalties for negligent use of a deadly weapon from petty misdemeanor, as follows; : for the first offense, to a misdemeanor; for second or subsequent offenses, to a fourth degree felony.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Criminal Code  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2024 - House Consumer and Public Affairs Committee  
**History:** 01/22/2024—H Introduced and referred to House Rules & Order of Business.  
01/30/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
01/30/2024—H Referral withdrawn from House Rules & Order of Business.  
01/30/2024—H Referred to House Consumer & Public Affairs.  
01/30/2024—H Referred to House Judiciary.

**Bill:** HB192  
**Sponsors:** Lujan (D48)  
**Title:** APPROPRIATION: SANTA FE COUNTY HEALTHCARE PROGRAMS  
**Summary:** Appropriates a total of \$1.2 million (GF) to the Health Care Authority Department for use in FY2025 for resource referral for people in need in Santa Fe County. The appropriation is divided \$800,000 for a program utilizing a network of navigators to connect people in need with community resources; and \$400,000 for a referral and diversion program for people impacted by substance use disorder and suspected of low-level nonviolent offenses.  
**Subjects:** Appropriations; County Affairs; Human Services; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/31/2024 - House Appropriations and Finance Committee  
**History:** 01/22/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/22/2024—H Introduced and referred to House Health & Human Services.  
01/22/2024—H Also referred to House Appropriations & Finance.  
01/31/2024—H Reported Do Pass by House Health & Human Services.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** HB193  
**Sponsors:** De La Cruz (D12)  
**Title:** LAW ENFORCEMENT RETENTION  
**Summary:** Amends the Law Enforcement Retention Fund to allow retention differential disbursements to be made to certified law enforcement officers as an incentive to retain qualified and experienced law enforcement officers. Applies to full-time certified law enforcement officers who have been employed by one or more law enforcement agencies for the required years of service and full-time certified law enforcement officers with 20 or more years of service. Requires law enforcement agencies to comply with the Law Enforcement Training Act and to submit additional information to receive Retention Differential Disbursements. Makes a \$1 million (GF) appropriation to the Law Enforcement Protection Fund for use in FY2025 and subsequent fiscal years for the annual cost difference to implement Retention Differential Disbursements. Effective

**Subjects:** July 1, 2024.  
Public Safety and Corrections; Appropriations; Public Employees/Retirement; County Affairs; Municipalities/City Government; State Affairs and State Agencies  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - House Calendar  
**History:** 01/22/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/22/2024—H Introduced and referred to House Judiciary.  
01/22/2024—H Also referred to House Appropriations & Finance.  
01/25/2024—H Reported Do Pass as amended by House Judiciary.  
02/02/2024—H Reported Do Pass as amended by House Appropriations & Finance.  
**Scheduled:** 02/03/2024—House Calendar, 11:30 a.m., House Chamber  
**Comments:** Meeting of 30 Jan 24: DPS informed the Committee that they strongly support this bill as it would assist with retention efforts in law enforcement. Upon a motion by DPS, seconded by NMCD, the Committee voted to support this bill by a vote of 8-0, with five abstentions (AOC, LOPD, and three public members).

**Bill:** HB198  
**Sponsors:** Hochman-Vigil (D15)  
**Title:** FELON IN POSSESSION OF FIREARM PENALTY  
**Summary:** (HEM No. 6) Increases the penalty for a felon and a serious violent felon found in possession of a firearm. Provides that a person convicted of possession of a firearm or destructive device is not eligible for earned meritorious deductions.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2024 - House Consumer and Public Affairs Committee  
**History:** 01/22/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
01/22/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
01/22/2024—H Introduced and referred to House Consumer & Public Affairs.  
01/22/2024—H Also referred to House Judiciary.  
**Comments:** Meeting of 30 Jan 24: A public member noted an objection to the part of the bill that addresses earned meritorious deductions, stating that NMCD should maintain their prerogatives with that aspect of their work. No action was taken on this legislation.

**Bill:** HB200  
**Sponsors:** Jaramillo, T. (D38)  
**Title:** INCREASED SENTENCE FOR SECOND DEGREE MURDER  
**Summary:** Increases the penalty for second degree felony resulting in the death of a human being, from 15 years to 20 years imprisonment.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2024 - House Rules and Order of Business Committee  
**History:** 01/22/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB204  
**Sponsors:** Sanchez, Joseph (D40)  
**Title:** DISTRICT ATTORNEY SALARIES  
**Summary:** Establishes District Attorney salaries at 95% of the annual salary of a judge of the Court of Appeals, with no additional salary to be paid for services rendered to the state. Redefines "covered position" in the District Attorney Personnel and Compensation Act to exclude at-will positions, which are no longer entitled to grievance procedures and appeals to the District Attorney Personnel Review Board. Increases the term of the District Attorney Personnel Review Board members from one to two years.  
**Subjects:** Courts and Civil Matters; Public Employees/Retirement; Labor  
**Progress:** 1st House: Referred to Committee



**Status:** 01/23/2024 - House Judiciary Committee  
**History:** 01/23/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/23/2024—H Introduced and referred to House Judiciary.  
 01/23/2024—H Also referred to House Appropriations & Finance.  
**Comments:** Meeting of 30 Jan 24: AODA noted that the bill repeals antiquated sections of the statute pertaining to district attorneys, such as the bond requirement, as district attorneys are now covered by Risk Management. The district attorneys benefits and the like are covered by the Personnel Plan and does not need to be in statute. A public member asked what the rationale was to tie district attorney salaries to the salaries of judges on the Court of Appeals. AODA said that the last few Legislative Sessions there were raises to the district attorneys’ employees, but the salaries for the district attorneys themselves had to be adjusted through a different mechanism. Under this bill, those raises would be automatic. Magistrate Judge noted that the bill would make the district attorney salaries equivalent to those of District Court judges. Upon a motion by AODA, seconded by DoJ, the Committee voted to support this bill by a vote of 8-0, with five abstentions (AOC, LOPD, and three public members).

**Bill:** **HB206**  
**Sponsors:** Reeb (R64)  
**Title:** INCREASE PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN  
**Summary:** Increases criminal penalties for certain sexual offenses involving children; expands the definition of “sex offender”; limits the defense for criminal sexual communication with a child.  
**Subjects:** Criminal Code; Family and Juveniles; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/23/2024 - House Rules and Order of Business Committee  
**History:** 01/23/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB220**  
**Sponsors:** Thomson (D24)  
**Title:** USE OF JUVENILE COMMUNITY CORRECTIONS GRANT FUND  
**Summary:** Authorizes the Children, Youth and Families Department to make grants from the Juvenile Community Corrections Grant Fund to provide services for the diversion of youth referred by CYFD to community-based settings.  
**Subjects:** State Affairs and State Agencies; Family and Juveniles  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/23/2024 - House Rules and Order of Business Committee  
**History:** 01/23/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB225**  
**Sponsors:** Hernandez (R60)  
**Title:** CRIMES: HAZING AND AGGRAVATED HAZING  
**Summary:** (HEM No. 15) (Related to 2024 SB55) Creates the misdemeanor crime of hazing and the fourth degree felony crime of aggravated hazing (defined below) in both K-12 schools and post-secondary institutions. Directs the Higher Education Department to maintain an online reporting portal for incidents and also requires educational entities shall report annually on hazing incidents. Appropriates \$500,000 (GF) to HED for use in FY2025 to implement the reporting online portal.  
**Subjects:** Higher Education; Health and Medical Practice; Courts and Civil Matters; Criminal Code; Schools and Teachers; State Affairs and State Agencies; Appropriations  
**Related:** 2024:SB55  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/23/2024 - House Judiciary Committee  
**History:** 01/23/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/23/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.

01/23/2024—H Introduced and referred to House Judiciary.  
 01/23/2024—H Also referred to House Appropriations & Finance.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** **HB226**  
**Sponsors:** Lujan (D48)  
**Title:** CANNABIS INDUSTRY BACKGROUND CHECKS  
**Summary:** Requires state and national criminal background checks and the submission of fingerprints for any individual submitting an application to the state to work in the cannabis industry.  
**Subjects:** Cannabis/Controlled Substances; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/24/2024 - House Consumer and Public Affairs Committee  
**History:** 01/24/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/24/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/24/2024—H Introduced and referred to House Consumer & Public Affairs.  
 01/24/2024—H Also referred to House Judiciary.  
**Scheduled:** 02/03/2024—House Consumer and Public Affairs Committee, 12:00 p.m., Room 315 (Revised 02/02/2024)  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** **HB233**  
**Sponsors:** Lujan (D48); Ortiz y Pino (D12)  
**Title:** DETERMINATION OF COMPETENCY OF DEFENDANT IN CRIMINAL CASE  
**Summary:** (HEM No. 46) (Duplicate of 2024 SB16) Amends the Criminal Code to provide a process for determining competency of a defendant; establishes competency restoration programs; requires the state to pay for mental examinations.  
**Subjects:** Criminal Code; Civil Rights; Health and Medical Practice; Human Services; Public Safety and Corrections  
**Related:** 2024:SB16  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/26/2024 - House Health and Human Services Committee  
**History:** 01/24/2024—H Introduced and referred to House Rules & Order of Business.  
 01/26/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/26/2024—H Referral withdrawn from House Rules & Order of Business.  
 01/26/2024—H Referred to House Health & Human Services.  
 01/26/2024—H Referred to House Judiciary.  
**Scheduled:** 02/03/2024—House Health and Human Services Committee, 9:00 a.m., Room 309  
**Comments:** Meeting of 30 Jan 24: Committee discussion of this legislation centered on the many structural problems with the bill. There was an appreciation for the policy choices reflected in the bill, but committee members felt that the bill needed a thorough reworking in the interim, rather than trying to perfect this draft during a short Legislative Session. A public member with experience in this area of law expressed concern that defense counsel could have a conflict of interest if they were required to send a person to commitment, and that the new mandate that release at the two-year review hearings required a treatment plan and case management services to be in place could present constitutional issues. Members also discussed the deficit of treatment programs in the state, and the lack of available bed space at the NM Behavioral Health Institute in Las Vegas. On a motion from a public member, seconded by AODA, the NMSC Legislative Committee unanimously voted not to support this bill.

**Bill:** **HB236**  
**Sponsors:** Chasey (D18)  
**Title:** PERA: PUBLIC SAFETY EMPLOYEES RETURN TO WORK  
**Summary:** (Related to 2024 HB154) In its substituted form, HB236 permits certain retired public safety employees to return to work for an affiliated public employer after a hiatus of at least 90 days.

Applies to retired adult correctional officers, adult detention officers, courthouse security officers, emergency medical dispatchers, emergency medical technicians or paramedics, firefighters, juvenile correctional officers, juvenile detention officers, municipal police officers, public safety telecommunicators, sheriff's deputies, and state police officers, with certain conditions.

**Subjects:** Public Employees/Retirement; Public Safety and Corrections  
**Related:** 2024:HB154  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - House Judiciary Committee  
**History:** 01/24/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/24/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/24/2024—H Introduced and referred to House Labor, Veterans' & Military Affairs.  
 01/24/2024—H Also referred to House Judiciary.  
 02/02/2024—H Reported Do Not Pass but Do Pass as substituted by House Labor, Veterans' & Military Affairs.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** **HB239**  
**Sponsors:** Zamora (R63)  
**Title:** CANNABIS PROHIBITED IN PRISON AND JAIL  
**Summary:** Relates to corrections. Prohibits cannabis in places of imprisonment; makes an exception if carried in pursuant to the direction or prescription of a health care provider.  
**Subjects:** County Affairs; Municipalities/City Government; Criminal Code; Agriculture and Ranching; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - House Judiciary Committee  
**History:** 01/24/2024—H Found Germane by Speaker Martinez pursuant to Constitution.  
 01/24/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/24/2024—H Introduced and referred to House Consumer & Public Affairs.  
 01/24/2024—H Also referred to House Judiciary.  
 02/02/2024—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.  
**Comments:** Meeting of 30 Jan 24: NMCD noted that adding cannabis as contraband in this statute is also part of the larger bill introduced this Session making changes to the Cannabis Regulation Act. In answer to questions, she informed the Committee that cannabis is considered contraband in NMCD policy, but that there has been a problem with prosecutions because cannabis is not covered in this statute. DoJ agreed, and noted that cannabis falling out of this statute was an unintended consequence of the Cannabis Regulation Act, as in that Act cannabis was removed from the Controlled Substances Act. Upon a motion by NMCD, seconded by AODA, the Committee voted to support this bill by a vote of 7-0, with six abstentions (AOC, LOPD, and four public members).

**Bill:** **HB282**  
**Sponsors:** Dixon (D20)  
**Title:** SEX OFFENDER REGISTRATION AND NOTIFICATION ACT  
**Summary:** (HEM No. 40) Amends the Sex Offender Registration and Notification Act to comply with federal law (specifically, the Adam Walsh Child Protection and Safety Act of 2006). The bill calls for enhanced registration and verification requirements for sex offenders and juvenile sex offenders. Adds definitions for "juvenile sex offender" and "sexually violent offense"; amends definition of "sex offender" and "sex offense"; and specifies three tiers of sex offenses.  
**Subjects:** Criminal Code; Family and Juveniles; Public Safety and Corrections; Indians; State Affairs and State Agencies  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - House Judiciary Committee  
**History:** 01/30/2024—H Found Germane by Speaker Martinez pursuant to Constitution.

01/30/2024—H Found Germane by Speaker Martinez pursuant to House Executive Message.  
 01/30/2024—H Introduced and referred to House Consumer & Public Affairs.  
 01/30/2024—H Also referred to House Judiciary.  
 02/02/2024—H Reported Do Pass by House Consumer & Public Affairs.

**Bill:** **HB284**  
**Sponsors:** Dixon (D20)  
**Title:** STATE-ISSUED DEVICES FOR CYFD  
**Summary:** Requires employees of the Children, Youth and Families Department to use only department-issued phones, tablets, computers or other electronic devices in the performance of their duties; creates new data retention standards for electronic records produced by CYFD employees.  
**Subjects:** Family and Juveniles; Information Technology; State Affairs and State Agencies  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2024 - House Rules and Order of Business Committee  
**History:** 01/30/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HB285**  
**Sponsors:** Szczepanski (D47)  
**Title:** PUBLIC SAFETY RECRUITMENT AND APPROPRIATIONS  
**Summary:** (Duplicate of 2024 SB13) Amends the Law Enforcement Training Act by creating a Public Safety Recruitment (Bureau) within the NM Law Enforcement Academy and provides for development of a centralized public safety recruitment website and a media recruitment campaign. Requires the Secretary of Public Safety to appoint an advisory committee for recruitment initiatives; and requires law enforcement agencies to create plans to recruit more women and provide support programs for new officers. Expands the Law Enforcement Retention Fund to include public safety telecommunicators. Appropriates \$7.475 million (GF) to the Department of Public Safety for various purposes.  
**Subjects:** County Affairs; Municipalities/City Government; Public Employees/Retirement; Public Safety and Corrections; Indians; Appropriations; Public Finance and Budgets  
 2024:SB13  
**Related:**  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2024 - House Rules and Order of Business Committee  
**History:** 01/30/2024—H Introduced and referred to House Rules & Order of Business.

**Bill:** **HJR3**  
**Sponsors:** Rehm (R31)  
**Title:** CA: EXPANDS CONDITIONS FOR DENIAL OF BAIL  
**Summary:** (Related to 2023 HJR9) Proposes to amend Article 2, Section 13 of the Constitution to expand the conditions under which defendants may be detained and denied bail: 1) based on conditions established by the Legislature or 2) if, on hearing, the court finds by clear and convincing evidence that release conditions will not ensure the defendant's appearance or protect the safety of another person or the community. Removes the limitation that only felony defendants may be detained without bail; that the court denying bail must be a court of record; and that the denial of bail must be requested and the grounds proven by the prosecutor.  
**Subjects:** Criminal Code; Public Safety and Corrections; Constitutional Issues and Amendments; Civil Rights; Legislature  
**Progress:** Introduced  
**Status:** 01/18/2024 - House Government, Elections and Indian Affairs Committee  
**History:** 01/18/2024—H Introduced and referred to House Government, Elections & Indian Affairs.  
 01/18/2024—H Also referred to House Judiciary.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** HM30  
**Sponsors:** Martinez, A. (R23)  
**Title:** INSURANCE COVERAGE STUDY, IGNITION INTERLOCK TASK FORCE  
**Summary:** Requests that an Ignition Interlock Task Force be created to ensure that drivers using an ignition interlock device are insured at levels required by the Mandatory Financial Responsibility Act.  
**Subjects:** Insurance; Public Safety and Corrections; Transportation  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/29/2024 - House Judiciary Committee  
**History:** 01/29/2024—H Introduced and referred to House Judiciary.

**Bill:** HM45  
**Sponsors:** Chasey (D18)  
**Title:** COMPLIANCE WITH FEDERAL PRISON RAPE ELIMINATION  
**Summary:** (Related to 2023 HM40, SM37, SM54) Requests that the New Mexico Coalition of Sexual Assault Programs, Incorporated, task force reconvene and continue its work to make its recommendations to the legislative Health and Human Services Committee, the interim committee dealing with Courts, Corrections and Justice issues and the Crime Victims Reparation Commission by November 1, 2024. The task force is to make recommendations for policy and legislative changes to improve jails' and detention and correctional facilities' compliance with the federal Prison Rape Elimination Act of 2003.  
**Subjects:** Public Safety and Corrections; Civil Rights; Criminal Code; State Affairs and State Agencies; County Affairs; Municipalities/City Government  
**Related:** 2023:HM40; 2023:SM37; 2023:SM54  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/01/2024 - House Judiciary Committee  
**History:** 02/01/2024—H Introduced and referred to House Judiciary.

**Bill:** SB5  
**Sponsors:** Wirth (D25); Szczepanski (D47)  
**Title:** UNLAWFUL POSSESSION OF A FIREARM AT A POLLING PLACE  
**Summary:** (SEM No. 10) (Similar to 2023 SB44) Prohibits possession of a loaded or unloaded firearm within 100 feet of the entrance to a polling place on election day or within 50 feet of a postal collection box or monitored secured container. Prohibition does not apply to (1) security personnel authorized by an appropriate municipal or county election official or (2) a certified law enforcement officer in the performance of official duties. Violation is a petty misdemeanor.  
**Subjects:** Elections; Alcohol, Firearms and Tobacco Products; Civil Rights; Public Safety and Corrections; Criminal Code  
**Related:** 2023:SB44  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/01/2024 - House Judiciary Committee  
**History:** 01/16/2024—S Introduced and referred to Senate Committee's Committee.  
 01/16/2024—S Also referred to Senate Rules.  
 01/16/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Reported germane by Senate Committee's Committee.  
 01/24/2024—S Reported Do Pass as amended by Senate Rules.  
 01/29/2024—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.  
 01/30/2024—S Opened for floor debate.  
 01/30/2024—S Floor amendments adopted (Amendment 1) (Sen. Peter Wirth) Voice Vote.  
 01/30/2024—S Floor amendments failed (Amendment 2) (Sen. Mark Moores) Roll Call 17-22.  
 01/30/2024—S Floor amendments failed (Amendment 3) (Sen. Ron Griggs) Roll Call 17-25.  
 01/30/2024—S Note: Audio: (Amendment 3) (Sen. Ron Griggs) Roll Call 17-25.  
 01/30/2024—S Passed 26-16.  
 02/01/2024—H Received in the House and referred to House

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

**Bill:** SB6  
**Sponsors:** Duhigg (D10)  
**Title:** CANNABIS REGULATION CHANGES  
**Summary:** (SEM No. 18) In its substituted form, SB6 makes a number of changes relating to cannabis regulation including: prohibits co-location of cannabis activities and alcohol sales; prohibits sale of cannabis products at a drive-up window; allows for conversation from a medical cannabis legacy nonprofit corporation to a corporation, limited liability company, or partnership; authorizes training and education programs; creates new crimes for trafficking illegal cannabis products; and includes cannabis as contraband in jails and prisons. See below for specifics.  
**Subjects:** Cannabis/Controlled Substances; Alcohol, Firearms and Tobacco Products; Business, Manufacturing and Economic Development; Public Safety and Corrections; Criminal Code  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/30/2024 - Senate Finance Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.  
 01/23/2024—S Reported germane by Senate Committee's Committee.  
 01/30/2024—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** SB12  
**Sponsors:** Sedillo Lopez (D16)  
**Title:** PROTECTIVE ORDERS: PROTECTION AGAINST ABUSE AND VIOLENCE ACT  
**Summary:** (SEM No. 21) (Very similar to 2023 SB18) Renames the Family Violence Protection Act as the Protection Against Abuse and Violence Act and broadens the scope of state law to provide for protective orders against violence and abuse. Authorizes orders of protection in cases of stalking or sexual assault, whether or not the victim is a household member. Makes several procedural and some substantive changes related to protective orders. Makes conforming nomenclature and technical changes throughout.  
**Subjects:** Courts and Civil Matters; Family and Juveniles; Public Safety and Corrections; Criminal Code; Municipalities/City Government; County Affairs  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/23/2024 - Senate Judiciary Committee  
**History:** 01/16/2024—S Introduced and referred to Senate Committee's Committee.  
 01/16/2024—S Also referred to Senate Health and Public Affairs.  
 01/16/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Reported germane by Senate Committee's Committee.  
 01/23/2024—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** SB13  
**Sponsors:** Maestas (D26)  
**Title:** PUBLIC SAFETY RECRUITMENT AND APPROPRIATIONS  
**Summary:** Amends the Law Enforcement Training Act by creating a Public Safety Recruitment (Bureau) within the NM Law Enforcement Academy and provides for development of a centralized public safety recruitment website and a media recruitment campaign. Requires the Secretary of Public Safety to appoint an advisory committee for recruitment initiatives; and requires law enforcement agencies to create plans to recruit more women and provide support programs for new officers. Expands the Law Enforcement Retention Fund to include public safety

**Subjects:** telecommunicators. Appropriates \$7.475 million (GF) to the Department of Public Safety for various purposes.  
County Affairs; Municipalities/City Government; Public Employees/Retirement; Public Safety and Corrections; Indians; Appropriations; Public Finance and Budgets

**Progress:** Introduced

**Status:** 01/17/2024 - Senate Committee's Committee

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Judiciary.  
01/17/2024—S Also referred to Senate Finance.

**Bill:** SB16

**Sponsors:** Ortiz y Pino (D12)

**Title:** DETERMINATION OF COMPETENCY OF DEFENDANT IN CRIMINAL CASE

**Summary:** (SEM No. 35) (Duplicate of 2024 HB233) Amends the Criminal Code to provide a process for determining competency of a defendant; establishes competency restoration programs; requires the state to pay for mental examinations.

**Subjects:** Criminal Code; Civil Rights; Health and Medical Practice; Human Services; Public Safety and Corrections

**Related:** 2024:HB233

**Progress:** 1st House: Reported from Committees

**Status:** 01/26/2024 - Senate Health and Public Affairs Committee

**History:** 01/25/2024—S Introduced and referred to Senate Committee's Committee.  
01/25/2024—S Also referred to Senate Health and Public Affairs.  
01/25/2024—S Also referred to Senate Judiciary.  
01/26/2024—S Reported germane by Senate Committee's Committee.

**Scheduled:** 02/03/2024—Senate Health and Public Affairs Committee, 10:00 a.m., Room 311 (Revised 02/02/2024)

**Comments:** Meeting of 30 Jan 24: Committee discussion of this legislation centered on the many structural problems with the bill. There was an appreciation for the policy choices reflected in the bill, but committee members felt that the bill needed a thorough reworking in the interim, rather than trying to perfect this draft during a short Legislative Session. A public member with experience in this area of law expressed concern that defense counsel could have a conflict of interest if they were required to send a person to commitment, and that the new mandate that release at the two-year review hearings required a treatment plan and case management services to be in place could present constitutional issues. Members also discussed the deficit of treatment programs in the state, and the lack of available bed space at the NM Behavioral Health Institute in Las Vegas. On a motion from a public member, seconded by AODA, the NMSC Legislative Committee unanimously voted not to support this bill.

**Bill:** SB23

**Sponsors:** Tallman (D18); Reeb (R64)

**Title:** REVIEW OF BEHAVIORAL HEALTH STATUTES

**Summary:** Appropriates \$100,000 (GF) to Legislative Council Services for FY2025 to contract for an academic review of existing behavioral health statutes and to make recommendations for consolidation and or amendments to related statutes, including consideration of the "intercept model" of behavioral health care.

**Subjects:** Human Services; Appropriations; Legislature

**Progress:** 1st House: Reported from Committees

**Status:** 01/23/2024 - Senate Finance Committee

**History:** 01/16/2024—S Introduced and referred to Senate Committee's Committee.  
01/16/2024—S Also referred to Senate Health and Public Affairs.  
01/16/2024—S Also referred to Senate Finance.  
01/17/2024—S Reported germane by Senate Committee's Committee.  
01/23/2024—S Reported Do Pass by Senate Health and Public Affairs.

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

**Bill:** SB35

**Sponsors:** Ortiz y Pino (D12)

**Title:** MEDICATION-ASSISTED SUBSTANCE ABUSE TREATMENT FOR MINORS

**Summary:** (For the Legislative Health and Human Services Committee) Prohibits the restriction of medication-assisted treatment for minors in substance abuse treatment facilities and programs operated or funded by the state. Creates the Evidence-Based Addiction Treatment for Minors Fund.

**Subjects:** Health and Medical Practice; Appropriations; Family and Juveniles

**Progress:** Introduced

**Status:** 01/16/2024 - Senate Committee's Committee

**History:** 01/16/2024—S Introduced and referred to Senate Committee's Committee.  
01/16/2024—S Also referred to Senate Health and Public Affairs.  
01/16/2024—S Also referred to Senate Finance.

**Bill:** SB39

**Sponsors:** O'Neill (D13); Chasey (D18)

**Title:** LIMITS ON INCARCERATION FOR TECHNICAL VIOLATIONS OF PROBATION AND PAROLE

**Summary:** (For the Courts, Corrections and Justice Committee) Amends the Probation and Parole Act to limit incarceration for "technical violations" of probation and parole. Establishes standards for two new levels of violation: Standard Violation and a Technical Violation of parole or probation and imposes limitations on sanctions that may be imposed for each, particularly for a technical violation.

**Subjects:** Public Safety and Corrections; Criminal Code; Civil Rights; Courts and Civil Matters

**Progress:** Introduced

**Status:** 01/16/2024 - Senate Committee's Committee

**History:** 01/16/2024—S Introduced and referred to Senate Committee's Committee.  
01/16/2024—S Also referred to Senate Health and Public Affairs.  
01/16/2024—S Also referred to Senate Judiciary.

**Bill:** SB55

**Sponsors:** Pope (D23)

**Title:** ANTI-HAZING ACT, INSTITUTIONS OF HIGHER EDUCATION

**Summary:** (HEM No. 15) (Related to 2021 HB27) Creates the Anti-Hazing Act. Prohibits a student or other person in attendance (as opposed to being enrolled) at a public or private post-secondary educational institution from intentionally hazing another. Whoever commits hazing is guilty of a misdemeanor; whoever commits hazing that results in substantial bodily harm to another is guilty of a fourth-degree felony. Creates a range of penalties for individuals and punitive consequences for student organizations and their leaders that permit hazing.

**Subjects:** Higher Education; Health and Medical Practice; Courts and Civil Matters; Criminal Code

**Progress:** 1st House: Reported from Committees

**Status:** 01/24/2024 - Senate Judiciary Committee

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Education.  
01/17/2024—S Also referred to Senate Judiciary.  
01/18/2024—S Reported germane by Senate Committee's Committee.  
01/24/2024—S Reported Do Pass as amended by Senate Education.

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

**Bill:** SB66

**Sponsors:** Brandt (R40)

**Title:** MISLEADING THREATS, VIOLENCE, SWATTING,

**Summary:** PENALTIES (SEM No. 45) Increases the penalty of making a shooting threat to a fourth-degree felony; creates the crime of swatting; imposes penalties. Swatting is defined as knowingly making a false or misleading report of an ongoing emergency or threat of violence to a public safety agency or agency personnel or to a public safety answering point (911 center), with the intent to cause an immediate response from law enforcement and other first responders. The court may order a person convicted of swatting to reimburse the victim of the offense for economic harm caused by that offense. Includes wages, salaries or other compensation lost by an employee who is prevented from working as a result of the swatting scare, plus overhead costs incurred for the period a business is shut down.

**Subjects:** Criminal Code; Public Safety and Corrections

**Progress:** 1st House: Reported from Committees

**Status:** 01/29/2024 - Senate Judiciary Committee

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Judiciary.  
01/17/2024—S Also referred to Senate Finance.  
01/29/2024—S Reported germane by Senate Committee's Committee.

**Comments:** Meeting of 30 Jan 24: A public member expressed the concern that the bill could unintentionally victimize DV victims who call emergency services due to a DV incident, and then cancel the call. DoJ noted that a real report, even if recanted, would not be penalized under the bill. Staff note that one cannot swat oneself. AOC agreed with these points. Another public member thought it would be useful to ascertain whether DV victims might be impacted. On a motion from the Chair, seconded by a public member, the committee voted unanimously to table this legislation.

**Bill:** SB69

**Sponsors:** Cervantes (D31)

**Title:** UNLAWFUL SALE OF A FIREARM BEFORE THE REQUIRED WAITING PERIOD ENDS

**Summary:** (For the Courts, Corrections and Justice Committee) (Related to 2023 SB427) Creates the misdemeanor crime of unlawful sale of a firearm before the required waiting period ends. Imposes a 14 business day required waiting period between the initiation of the federal instant background check for the sale of a firearm and the transfer of the firearm to the buyer.

**Subjects:** Criminal Code; Alcohol, Firearms and Tobacco Products

**Related:** 2023:SB427

**Progress:** 1st House: Reported from Committees

**Status:** 02/01/2024 - Senate Calendar

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Health and Public Affairs.  
01/17/2024—S Also referred to Senate Judiciary.  
01/18/2024—S Reported germane by Senate Committee's Committee.  
01/29/2024—S Reported Do Pass as amended by Senate Health and Public Affairs.  
02/01/2024—S Reported Do Pass by Senate Judiciary.

**Scheduled:** 02/03/2024—Senate Calendar, 1:00 p.m., Senate Chamber

**Comments:** Meeting of 23 Jan 24: DPS asked whether there was anything required of any state agency during the waiting period. Staff indicated that there wasn't, and the waiting period ran concurrently with the background check. No action was taken on this legislation.

**Bill:** SB73

**Sponsors:** Brandt (R40)

**Title:** REINSTATES THE DEATH PENALTY FOR MURDERING A PEACE OFFICER

**Summary:** Amends the Criminal Code to provide for punishment by death if (a) the aggravating circumstance was that the victim was a peace officer who was acting in the lawful discharge of an official duty when the peace officer was murdered or (b) the

aggravating circumstance was that the victim was a peace officer who was not acting in the lawful discharge of an official duty, but the defendant targeted the victim because of the victim's status as a peace officer.

**Subjects:** Criminal Code; Civil Rights; Public Safety and Corrections

**Progress:** Introduced

**Status:** 01/17/2024 - Senate Committee's Committee

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Health and Public Affairs.  
01/17/2024—S Also referred to Senate Judiciary.  
01/17/2024—S Also referred to Senate Finance.

**Bill:** SB75

**Sponsors:** Padilla (D14)

**Title:** NM STATE POLICE HIGHEST-PAID LAW OFFICERS IN STATE

**Summary:** Requires that the salaries of New Mexico state police be adjusted annually to ensure that members of the state police are the highest-paid law enforcement officers in the state. Appropriates \$100,000 (GF) to the Department of Public Safety for use in FY2025 to study state police salaries.

**Subjects:** Appropriations; Public Safety and Corrections; Public Employees/Retirement

**Progress:** Introduced

**Status:** 01/17/2024 - Senate Committee's Committee

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Judiciary.  
01/17/2024—S Also referred to Senate Finance.

**Bill:** SB78

**Sponsors:** Campos (D8)

**Title:** FUND SUBSTANCE USE DISORDER PROGRAMS FOR NORTHEASTERN NEW MEXICO

**Summary:** Appropriates \$2.5 million (GF) to the Local Government Division of DFA for use in FYs 2025 and 2026 to support integrated substance use disorder programs at the Epi Duran Regional Crisis and Treatment Center in San Miguel County.

**Subjects:** Appropriations; Health and Medical Practice; Human Services; County Affairs; Municipalities/City Government

**Progress:** 1st House: Reported from Committees

**Status:** 01/25/2024 - Senate Finance Committee

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Health and Public Affairs.  
01/17/2024—S Also referred to Senate Finance.  
01/18/2024—S Reported germane by Senate Committee's Committee.  
01/25/2024—S Reported Do Pass by Senate Health and Public Affairs.

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

**Bill:** SB87

**Sponsors:** Brandt (R40)

**Title:** LAW ENFORCEMENT RETIREMENT CHANGES

**Summary:** Amends the Public Employees Retirement Act to provide for (1) law enforcement officers from another state or federal agency, subsequently employed by a New Mexico affiliated public employer, to purchase up to five years of service credit upon retirement; and (2) members who retire from jobs in law enforcement and subsequently return to work, after a 90-day hiatus, to continue collecting their pensions with COLA adjustments.

**Subjects:** Public Employees/Retirement; Public Safety and Corrections

**Progress:** 1st House: Passed

**Status:** 02/02/2024 - Passed in the Senate

**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
01/17/2024—S Also referred to Senate Health and Public

Affairs.  
 01/17/2024—S Also referred to Senate Finance.  
 01/18/2024—S Reported germane by Senate Committee's Committee.  
 01/29/2024—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.  
 02/01/2024—S Reported Do Pass by Senate Finance.  
 02/02/2024—S Opened for floor debate.  
 02/02/2024—S Floor amendments adopted (Amendment 1) (Sen. Craig Brandt) Voice Vote.  
 02/02/2024—S Floor amendments adopted (Amendment 2) (Sen. George Munoz) Voice Vote.  
 02/02/2024—S Note: Audio: (Amendment 2) (Sen. George Munoz) Voice Vote.  
 02/02/2024—S Passed 33-3.  
**Comments:** Meeting of 23 Jan 24: DPS noted that they supported last year's version of this bill, as they have had problems recruiting officers. They met with the sponsor to work on changes, as there are problems with the poaching of officers from other law enforcement agencies in the state. This bill is an attempt to promote initiatives that recruit officers from out of state, by giving them service credit. AOC noted that the courts support this bill as they have had troubles as well in the hiring of security officers, most of whom are retired law enforcement officers. A public member expressed the wish that similar legislation could be passed that would allow all state agencies that are having trouble recruiting to use these sorts of initiatives. Upon a motion by DPS, seconded by AOC, the Committee voted to support this bill by a vote of 10-0, with three abstentions (LOPD, and two public members).

**Bill:** SB90  
**Sponsors:** Lopez (D11)  
**Title:** FIRE AND AMMUNITION TAX ACT  
**Summary:** (Related to HB0079) Effective January 1, 2025, creates a separate firearm and ammunition tax, at a rate of 11%, on receipts from selling, leasing or licensing firearms or ammunition in New Mexico. This tax would be in addition to any gross receipts or compensating tax due on taxed transactions. TRD administers this tax in accordance with the Tax Administration Act. One half of the tax's proceeds go to the Crime Victims Reparation Fund and the other half to the newly established Family Representation and Advocacy Act Fund.  
**Subjects:** Alcohol, Firearms and Tobacco Products; County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Taxation, Fees and Audits  
**Related:** 2024:HB79  
**Progress:** Introduced  
**Status:** 01/17/2024 - Senate Committee's Committee  
**History:** 01/17/2024—S Introduced and referred to Senate Committee's Committee.  
 01/17/2024—S Also referred to Senate Tax, Business & Transportation.  
 01/17/2024—S Also referred to Senate Finance.

**Bill:** SB91  
**Sponsors:** Gallegos, David (R41)  
**Title:** SURRENDER OF INFANTS TO FIRST RESPONDERS OR IN SAFETY DEVICES  
**Summary:** (NMLR Note: 01/09 Prefiled Bill was revised and Prefiled a Second Time on 01/12, changing the funding recipient from CYFD to PED) (Almost identical to 2023 SB311 and HB327; 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 \$500,000 (GF) to the Public Education Department for public education purposes. Repeals Sec. 24-22-1.1  
**Subjects:** Insurance; Health and Medical Practice; Schools and Teachers; County Affairs; Municipalities/City Government; Criminal Code; Family and Juveniles; Public Safety and Corrections; Appropriations  
**Related:** 2023:SB311; 2023:HB327; 2022:SB168; 2022:HB157; 2020:HB190  
**Progress:** Introduced  
**Status:** 01/18/2024 - Senate Committee's Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.

**Bill:** SB96  
**Sponsors:** Maestas (D26)  
**Title:** INCREASE PENALTY FOR SECOND DEGREE ATTEMPTED MURDER AND MURDER  
**Summary:** (SEM No. 11) Amends the Criminal Code to increase the penalty for attempted murder in the second degree to a third degree felony (with a nine year basic sentence); and to increase the penalty for second degree felony murder from 15 to 18 years imprisonment.  
**Subjects:** Criminal Code  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/22/2024 - Senate Health and Public Affairs Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Health and Public Affairs.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.  
 01/22/2024—S Reported germane by Senate Committee's Committee.  
**Comments:** Meeting of 23 Jan 24: AODA note that they have asked for this increase in penalty for years, and that in particular the ap between first degree and second degree murder was so large, it can make cases hard to resolve. Upon a motion by AODA, seconded by NMCD, the Committee had a divided vote to support this bill on a vote of 6-3 (LOPD and two public members against), with four abstentions (AOC, CYFD, Magistrate Judge, and a public member).

**Bill:** SB97  
**Sponsors:** Maestas (D26)  
**Title:** SHOOTING AT AND FROM A MOTOR VEHICLE MADE SEPARATE CRIMES  
**Summary:** Amends the Criminal Code to separate the crimes of shooting at a motor vehicle and shooting from a motor vehicle and to provide penalties. Both crimes are considered violent felonies. Makes conforming changes to the Motor Vehicle Code to clarify that mandatory license revocation applies in either case.  
**Subjects:** Courts and Civil Matters; Transportation  
**Progress:** Introduced  
**Status:** 01/18/2024 - Senate Committee's Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Health and Public Affairs.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.

**Bill:** SB102  
**Sponsors:** Brandt (R40)  
**Title:** RACKETEERING ACT: 13 NEW AND ADDITIONAL CRIMES  
**Summary:** (SEM No. 9) Amends the Racketeering Act to include 11 additional crimes within the definition of "racketeering; creates two felony crimes related to membership in or participation in racketeering activities of criminal gangs and other enterprises.

**Subjects:** Criminal Code; Public Safety and Corrections; Family and Juveniles  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/29/2024 - Senate Judiciary Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Health and Public Affairs.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.  
 01/22/2024—S Reported germane by Senate Committee's Committee.  
 01/29/2024—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** SB122  
**Sponsors:** Brandt (R40)  
**Title:** REBUTTABLE PRESUMPTION AGAINST RELEASE OF CRIMINAL DEFENDANT PENDING TRIAL  
**Summary:** (SEM No. 7) (Almost identical to 2023 SB123; related to 2024 HB44, 2023 HB509) Amends the Criminal Code to establish that a rebuttable presumption arises when a criminal defendant cannot be safely released pending trial if (1) charged with and facing trial for a major felony offense (listed in the bill); or (2) while pending trial, sentencing, or on probation, or within five years of a prior major felony conviction, the defendant has committed a new major felony. Clarifies that the creation of the presumption does not change the prosecution's constitutional burden of proof, and establishes the court's duty to evaluate evidence that the burden has been met.  
**Subjects:** Criminal Code; Public Safety and Corrections; Civil Rights; Constitutional Issues and Amendments  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/22/2024 - Senate Health and Public Affairs Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Health and Public Affairs.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.  
 01/22/2024—S Reported germane by Senate Committee's Committee.  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** SB123  
**Sponsors:** Brandt (R40)  
**Title:** PERA RETIRED LAW ENFORCEMENT OR FIREFIGHTER RETURN TO SERVICE  
**Summary:** (SEM No. 27) (Very similar to 2023 HB64) 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 under municipal detention officer member coverage plan 1, 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:** 2023:HB64  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/23/2024 - Senate Health and Public Affairs Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Health and Public Affairs.  
 01/18/2024—S Also referred to Senate Finance.  
 01/23/2024—S Reported germane by Senate Committee's Committee.  
**Comments:** Meeting of 30 Jan 24: NMCD noted that this is a Governor's bill, with the hope to bring back those who have retired into the workforce to help with the large number of public safety vacancies. Upon a motion by NMCD, seconded by AODA, the Committee voted to support this bill by a vote of 8-0, with four abstentions (AOC, LOPD, and two public members).

**Bill:** SB124  
**Sponsors:** Brandt (R40)  
**Title:** LAW ENFORCEMENT SERVICE CREDIT PURCHASE  
**Summary:** (SEM No. 8) (Similar in part to 2024 SB87) Amends the Public Employees Retirement Act to provide for law enforcement officers from another state or federal agency, subsequently employed by a New Mexico affiliated public employer, to purchase up to five years of service credit upon retirement.  
**Subjects:** Public Employees/Retirement; Public Safety and Corrections  
**Related:** 2024:SB87  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/25/2024 - Senate Finance Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Committee's Committee.  
 01/18/2024—S Also referred to Senate Health and Public Affairs.  
 01/18/2024—S Also referred to Senate Finance.  
 01/22/2024—S Reported germane by Senate Committee's Committee.  
 01/25/2024—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** Meeting of 23 Jan 24: DPS noted that they support this legislation for, as with SB 87, they would like to be able to recruit law enforcement officers from out of state rather than poaching from other New Mexico law enforcement agencies. Upon a motion by DPS, seconded by AODA, the Committee voted to support this bill by a vote of 9-0, with four abstentions (AOC, LOPD, and two public members).

**Bill:** SB140  
**Sponsors:** Munoz (D4)  
**Title:** DISTRICT ATTORNEY OVERSIGHT IN 11TH JUDICIAL DISTRICT  
**Summary:** Directs that District Attorney Division 1 (San Juan County) in the 11th Judicial District will have oversight of prosecutorial decisions made by the attorneys of District Attorney Division 2 (McKinley County).  
**Subjects:** Courts and Civil Matters; County Affairs  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2024 - Senate Committee's Committee  
**History:** 01/22/2024—S Introduced and referred to Senate Committee's Committee.  
 01/22/2024—S Also referred to Senate Health and Public Affairs.  
 01/22/2024—S Also referred to Senate Judiciary.

**Bill:** SB141  
**Sponsors:** Munoz (D4)  
**Title:** CATALYTIC CONVERTER PURCHASES  
**Summary:** (Related to 2023 SB133) Amends the Sale of Recycled Metals Act to add requirements to ensure that the purchase of a catalytic converter is lawful and to ensure the same for palladium, platinum, and rhodium, which are included in the definition of "regulated material." Expands requirements related to recordkeeping by secondhand metal dealers and the Department of Public Safety. Imposes criminal penalties for violations of sale requirements for catalytic converters and for palladium, platinum, or rhodium and for theft of a catalytic converter.  
**Subjects:** Criminal Code; Business, Manufacturing and Economic Development; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2024 - Senate Committee's Committee  
**History:** 01/22/2024—S Introduced and referred to Senate Committee's Committee.  
 01/22/2024—S Also referred to Senate Tax, Business & Transportation.  
 01/22/2024—S Also referred to Senate Judiciary.

**Bill:** SB145  
**Sponsors:** Sedillo Lopez (D16)  
**Title:** PROHIBITS DETENTION FOR FEDERAL CIVIL

**Summary:** IMMIGRATION VIOLATIONS (SEM No. 38) Prohibits public bodies from entering into agreements to detain individuals for Federal civil immigration violations and requires the termination of any such existing agreements. Prohibits public bodies from using public resources to facilitate detaining individuals for Federal civil immigration violations. Specifies the required process that must be followed to terminate such contracts.

**Subjects:** Public Safety and Corrections; Civil Rights; Constitutional Issues and Amendments; County Affairs; Municipalities/City Government

**Progress:** 1st House: Reported from Committees

**Status:** 02/01/2024 - Senate Judiciary Committee

**History:** 01/22/2024—S Introduced and referred to Senate Committee's Committee.  
01/22/2024—S Also referred to Senate Health and Public Affairs.  
01/22/2024—S Also referred to Senate Judiciary.  
01/25/2024—S Reported germane by Senate Committee's Committee.  
02/01/2024—S Reported Do Pass as amended by Senate Health and Public Affairs.

**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** SB149

**Sponsors:** Tallman (D18)

**Title:** BEHAVIORAL HEALTH FACILITIES FUND

**Summary:** Cited as the "Behavioral Health Facilities Fund Act," creates the Behavioral Health Facilities Fund to assist counties and municipalities to plan, purchase, renovate, or construct regional behavioral health facilities to provide treatment throughout New Mexico. Appropriates \$160.8 million (GF, nonreverting) to the Fund to carry out the purposes of the act.

**Subjects:** Health and Medical Practice; Human Services; Appropriations; County Affairs; Municipalities/City Government; Higher Education

**Progress:** 1st House: Reported from Committees

**Status:** 02/01/2024 - Senate Finance Committee

**History:** 01/22/2024—S Introduced and referred to Senate Committee's Committee.  
01/22/2024—S Also referred to Senate Health and Public Affairs.  
01/22/2024—S Also referred to Senate Finance.  
01/26/2024—S Reported germane by Senate Committee's Committee.  
02/01/2024—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** SB152

**Sponsors:** Hemphill (D28)

**Title:** ECECD AND CYFD EMPLOYEE, VOLUNTEER AND INTERN BACKGROUND CHECKS

**Summary:** (SEM No. 37) Relates to required criminal background checks for the Early Childhood Education and Care Department (ECECD) and the Children, Youth and Families Department (CYFD). The bill addresses each department independently while aligning and make the requirements mutually consistent. Adds definitions that do not track with the criminal background check features of the bill.

**Subjects:** Family and Juveniles; State Affairs and State Agencies; Public Employees/Retirement; Health and Medical Practice; Human Services

**Progress:** 1st House: Reported from Committees

**Status:** 01/29/2024 - Senate Judiciary Committee

**History:** 01/22/2024—S Introduced and referred to Senate Committee's Committee.  
01/22/2024—S Also referred to Senate Education.  
01/22/2024—S Also referred to Senate Judiciary.  
01/25/2024—S Reported germane by Senate Committee's Committee.  
01/29/2024—S Reported Do Pass by Senate Education.

**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** SB154

**Sponsors:** Gallegos, David (R41)

**Title:** THIRTY-DAY SEX ASSAULT KIT PROCESSING TIMELINE

**Summary:** Requires survivors' consent for law enforcement agencies to send a sexual assault kit to the agency's servicing laboratory and requires that to happen within thirty days of the agency's receipt of the sample; requires agencies enter all necessary information into the sexual assault examination kit tracking system.

**Subjects:** Health and Medical Practice; Public Safety and Corrections

**Progress:** 1st House: Referred to Committee

**Status:** 01/22/2024 - Senate Committee's Committee

**History:** 01/22/2024—S Introduced and referred to Senate Committee's Committee.  
01/22/2024—S Also referred to Senate Health and Public Affairs.  
01/22/2024—S Also referred to Senate Judiciary.

**Bill:** SB167

**Sponsors:** Woods (R7); Chatfield (R67)

**Title:** APPROPRIATION TO PURCHASE NORTHEAST NM CORRECTIONAL FACILITY

**Summary:** Appropriates \$54 million (GF) to the Facilities Management Division of the General Services Department for FY2025 to purchase the Northeast NM Correctional Facility in Union County owned by the town of Clayton for a price equal to the appraised value of the facility.

**Subjects:** Municipalities/City Government; State Affairs and State Agencies; Public Safety and Corrections; Appropriations

**Progress:** 1st House: Reported from Committees

**Status:** 02/01/2024 - Senate Finance Committee

**History:** 01/23/2024—S Introduced and referred to Senate Committee's Committee.  
01/23/2024—S Also referred to Senate Judiciary.  
01/23/2024—S Also referred to Senate Finance.  
01/24/2024—S Reported germane by Senate Committee's Committee.  
02/01/2024—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.

**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation. NMSC informed the Committee that this facility is currently owned by the town of Clayton, the only one that is owned like that; Clayton is up to its eyes in \$34 million in bonds. Staffing levels are 75% there, up from 40%. A public member noted that when he was part of Gov. Richardson's transition team, it was known that there was no need for a facility in Clayton, and that there was not a need for that level of security beds; the member added that putting inmates in Clayton usually means that they are far away from family, and that it was bad policy to buy the facility. Upon a motion by NMCD, seconded by a public member, the Committee voted to support this bill by a vote of 6-4 (LOPD and three public members against), with three abstentions (AOC, Magistrate Judge, and a public member).

**Bill:** SB168

**Sponsors:** Neville (R2)

**Title:** DISTRICT ATTORNEY SALARIES

**Summary:** (Duplicate of 2024 HB 204) Establishes District Attorney salaries at 95% of the annual salary of a judge of the Court of Appeals, with no additional salary to be paid for services rendered to the state. Redefines "covered position" in the District Attorney Personnel and Compensation Act to exclude at-will positions, which are no longer entitled to grievance procedures and appeals to the District Attorney Personnel Review Board. Increases the term of the District Attorney Personnel Review Board members from one to two years.

**Subjects:** Courts and Civil Matters; Public Employees/Retirement

**Related:** 2024:HB204

**Progress:** 1st House: Referred to Committee

**Status:** 01/23/2024 - Senate Committee's Committee

**History:** 01/23/2024—S Introduced and referred to Senate Committee's Committee.



01/23/2024—S Also referred to Senate Judiciary.  
 01/23/2024—S Also referred to Senate Finance.

**Bill:** SB175  
**Sponsors:** Jaramillo, L. (D5)  
**Title:** DFA FUND DISTRIBUTION LAW ENFORCEMENT & CORRECTIONS OFFICER RECRUITMENT  
**Summary:** (SEM No. 6) Creates a new section of law authorizing the Department of Finance and Administration (DFA) to establish a program to distribute funds for state and local law enforcement officer, correctional officer, and probation and parole officer recruitment. Appropriates \$35 million (GF) to DFA for use in FYs 2025 through 2027 for recruitment.  
**Subjects:** Labor; Public Employees/Retirement; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/29/2024 - Senate Finance Committee  
**History:** 01/23/2024—S Introduced and referred to Senate Committee's Committee.  
 01/23/2024—S Also referred to Senate Judiciary.  
 01/23/2024—S Also referred to Senate Finance.  
 01/24/2024—S Reported germane by Senate Committee's Committee.  
 01/29/2024—S Reported Do Pass by Senate Judiciary.  
**Comments:** Meeting of 30 Jan 24: NMCD noted that this bill is a complement to SB 123, a Governor's bill to help with the recruitment of people to fill public safety vacancies. Upon a motion by NMCD, seconded by AODA, the Committee voted to support this bill by a vote of 9-0, with four abstentions (AOC, LOPD, and two public members).

**Bill:** SB178  
**Sponsors:** Ivey-Soto (D15)  
**Title:** JUVENILE FIREARM CRIME RECORDS NOT SEALED FOR CRIMINAL BACKGROUND CHECKS  
**Summary:** (SEM No. 52) Amends Sec. 32A-2-26 of the Children's Code to provide that, in the case of federal instant criminal background checks, juvenile court records that would otherwise be sealed shall be accessible if the record involves unlawful use or possession of a firearm.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Courts and Civil Matters; Family and Juveniles; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/30/2024 - Senate Health and Public Affairs Committee  
**History:** 01/23/2024—S Introduced and referred to Senate Committee's Committee.  
 01/23/2024—S Also referred to Senate Health and Public Affairs.  
 01/23/2024—S Also referred to Senate Judiciary.  
 01/30/2024—S Reported germane by Senate Committee's Committee.

**Bill:** SB190  
**Sponsors:** Ivey-Soto (D15)  
**Title:** DWI ACT AND BOATING WHILE INTOXICATED ACT  
**Summary:** (SEM No. 20) Adds sections to the Motor Vehicle Code to address driving under the influence of intoxicating liquor or drugs and boating while under the influence as well as penalties for first and subsequent violations, blood screening, revocation of license, and ignition interlocks. Makes a number of conforming and other changes.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Transportation; Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/30/2024 - Senate Judiciary Committee  
**History:** 01/23/2024—S Introduced and referred to Senate Committee's Committee.  
 01/23/2024—S Also referred to Senate Health and Public Affairs.  
 01/23/2024—S Also referred to Senate Judiciary.  
 01/24/2024—S Reported germane by Senate Committee's Committee.

01/30/2024—S Reported Do Pass as amended by Senate Health and Public Affairs.  
**Comments:** Meeting of 30 Jan 24: AOC noted that this bill does a lot of things. Much of what it does is rearranging statutes connected to DWI. Part of the bill addresses issues raised by Birchfield v. North Dakota. The Court has concerns with limits to Magistrate Court jurisdiction. The bill breaks out DWI alcohol and DWI drugs, with the same penalties, but limits Magistrate Court jurisdiction for DWI drugs cases (with exceptions for Bernalillo County's Metropolitan Court and Doña Ana County, as there is an exception for counties with a population over 200,000). These limits to Magistrate Court jurisdiction could cause problems in District Court as more cases would flow there; this would include cases where the prosecution was awaiting the results of a blood draw, so they might plead the case in the alternative up to District Court. There could also be problems with probation and parole requirements. The Court was not opposed to the bill overall, but the particular elements mentioned were concerning. A public member noted that the presumptive level has been changed to 0.05 for alcohol; there is no presumptive level for drug use, no standard for what level of drugs means someone is impaired. There is no reliable science to determine levels of impairment for drugs, as there is with alcohol. Magistrate Judge agreed with AOC points, and expressed particular concern about the backlog this bill could cause in District Courts. Upon a motion by AOC, seconded by a public member, the Committee voted not to support this bill by a vote of 9-1 (AODA against), with three abstentions (DoJ, DPS, NMCD).

**Bill:** SB195  
**Sponsors:** Munoz (D4)  
**Title:** RETAIL ESTABLISHMENT ENTRY TO COMMIT THEFT, 4TH DEGREE FELONY  
**Summary:** (SEM No. 26) Makes it a fourth-degree felony for a person to enter a retail establishment with the intent to commit any felony or theft after receiving notice that the person is not authorized to enter the retail establishment.  
**Subjects:** Business, Manufacturing and Economic Development; Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/25/2024 - Senate Health and Public Affairs Committee  
**History:** 01/24/2024—S Introduced and referred to Senate Committee's Committee.  
 01/24/2024—S Also referred to Senate Health and Public Affairs.  
 01/24/2024—S Also referred to Senate Judiciary.  
 01/24/2024—S Also referred to Senate Finance.  
 01/25/2024—S Reported germane by Senate Committee's Committee.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** SB204  
**Sponsors:** Ivey-Soto (D15)  
**Title:** NO FIREARMS IN PARKS OR PLAYGROUNDS  
**Summary:** (SEM No. 54) Prohibits the unlawful carrying of a firearm in a park or playground; provides a penalty. Exempts a peace officer security officer licensed and allowed to carry a firearm, or a member of the Armed Services or Reserve Forces of the U. S. or the New Mexico National Guard while performing official duties.  
**Subjects:** Criminal Code; Family and Juveniles; Alcohol, Firearms and Tobacco Products; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/30/2024 - Senate Health and Public Affairs Committee  
**History:** 01/24/2024—S Introduced and referred to Senate Committee's Committee.  
 01/24/2024—S Also referred to Senate Health and Public Affairs.  
 01/24/2024—S Also referred to Senate Judiciary.  
 01/24/2024—S Also referred to Senate Finance.  
 01/30/2024—S Reported germane by Senate Committee's Committee.

**Bill:** SB208  
**Sponsors:** Wirth (D25)  
**Title:** AUTOMATIC LICENSE PLATE READER ACT, HIGH-SPEED CAMERAS  
**Summary:** (SEM No. 55) Authorizes the use of high-speed cameras to be used to convert images of license plates into computer-readable data so that law enforcement may be alerted when "license plate data" matches information in a state or national crime investigation database. The cameras would be attached to law enforcement vehicles or mounted on street poles, highway overpasses, or mobile trailers. "License plate data"—which includes the make, model, color and license plate number, vehicle photo, driver or passengers, global positioning system coordinates, and date and time of travel—would be manually entered into a database by law enforcement officers. Ostensibly, the data would be held for seven days, however, there are several broad-based exceptions to the seven-day holding period.  
**Subjects:** Transportation; Criminal Code; Public Safety and Corrections; Civil Rights; Indians; Constitutional Issues and Amendments  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/31/2024 - Senate Health and Public Affairs Committee  
**History:** 01/25/2024—S Introduced and referred to Senate Committee's Committee.  
 01/25/2024—S Also referred to Senate Health and Public Affairs.  
 01/25/2024—S Also referred to Senate Judiciary.  
 01/31/2024—S Reported germane by Senate Committee's Committee.

**Bill:** SB219  
**Sponsors:** Maestas (D26)  
**Title:** APPROPRIATION FOR NALOXONE FOR HIGH SCHOOLS  
**Summary:** Appropriates \$1 million (GF) to the Public Education Department for FY2025 to make naloxone nasal spray available in high schools.  
**Subjects:** Health and Medical Practice; Schools and Teachers; Appropriations; Cannabis/Controlled Substances  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - Senate Finance Committee  
**History:** 01/26/2024—S Introduced and referred to Senate Committee's Committee.  
 01/26/2024—S Also referred to Senate Education.  
 01/26/2024—S Also referred to Senate Finance.  
 01/29/2024—S Reported germane by Senate Committee's Committee.  
 02/02/2024—S Reported Do Pass by Senate Education.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** SB248  
**Sponsors:** Jaramillo, L. (D5)  
**Title:** UNSAFE USE OF PUBLIC ROADWAYS AND SPACES ACT  
**Summary:** (SEM No. 58) Limits panhandling or solicitation in public spaces by creating new requirements that panhandlers must meet; creates a new misdemeanor offense of "aggressive solicitation."  
**Subjects:** Criminal Code; Courts and Civil Matters; Civil Rights; Public Safety and Corrections; Transportation  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/01/2024 - Senate Health and Public Affairs Committee  
**History:** 01/30/2024—S Introduced and referred to Senate Committee's Committee.  
 01/30/2024—S Also referred to Senate Health and Public Affairs.  
 01/30/2024—S Also referred to Senate Judiciary.  
 02/01/2024—S Reported germane by Senate Committee's Committee.

**Bill:** SB255  
**Sponsors:** Moores (R21)  
**Title:** CREATING THE CRIME OF "STUDENT ATHLETE

**Summary:** HARASSMENT"  
 The bill creates a tiered structure for athlete harassment, making it a misdemeanor for the first offense and a fourth degree felony for the second or subsequent offense after the first conviction. To be found guilty, conduct must have caused "a reasonable person to suffer substantial emotional distress."  
**Subjects:** Higher Education; Family and Juveniles; Criminal Code; Courts and Civil Matters; Schools and Teachers  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/31/2024 - Senate Judiciary Committee  
**History:** 01/30/2024—S Introduced and referred to Senate Committee's Committee.  
 01/30/2024—S Also referred to Senate Judiciary.  
 01/30/2024—S Also referred to Senate Finance.  
 01/31/2024—S Reported germane by Senate Committee's Committee.

**Bill:** SB258  
**Sponsors:** Duhigg (D10)  
**Title:** SHARING OF CYFD INFORMATION  
**Summary:** (Nearly identical to 2024 HB175; related to 2023 HB10) Specifies to whom and under what circumstances the Children, Youth and Families Department (CYFD) can share information pertaining to child abuse or neglect. Requires the disclosure of information on child fatalities or near fatalities. Addresses exclusion of media from an abuse or neglect proceeding.  
**Subjects:** Family and Juveniles; State Affairs and State Agencies; Criminal Code; Indians  
**Related:** 2024:HB175; 2023:HB10  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2024 - Senate Committee's Committee  
**History:** 01/30/2024—S Introduced and referred to Senate Committee's Committee.  
 01/30/2024—S Also referred to Senate Health and Public Affairs.  
 01/30/2024—S Also referred to Senate Judiciary.

**Bill:** SB261  
**Sponsors:** Baca, G. (R29)  
**Title:** YOUTHFUL OFFENDER AND ADULT CRIMINAL SENTENCE  
**Summary:** Amends the Delinquency Act to establish criteria for imposing an adult criminal sentence on a youthful offender.  
**Subjects:** Criminal Code; Family and Juveniles; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2024 - Senate Committee's Committee  
**History:** 01/30/2024—S Introduced and referred to Senate Committee's Committee.  
 01/30/2024—S Also referred to Senate Health and Public Affairs.  
 01/30/2024—S Also referred to Senate Judiciary.

**Bill:** SB265  
**Sponsors:** Munoz (D4)  
**Title:** PUBLIC SCHOOL DRUG-RELATED INCIDENT RESPONSE ACT  
**Summary:** Relates to public schools. Creates the Drug-Related Incident Response Act within the Public School Code. Makes a \$1 million GF appropriation to the Public Education Department for use in FY2025 to carry out provisions of the act which is effective July 1, 2024. Authorizes creation of a grant program for the purpose of funding supplemental training at the school district level; the hiring of additional personnel or other resources needed by a school district; and the sharing of information on existing grant opportunities at the federal or state level that might support school districts in meeting requirements of the act.  
**Subjects:** Schools and Teachers; Appropriations; Family and Juveniles; Health and Medical Practice  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2024 - Senate Committee's Committee

**History:** 01/30/2024—S Introduced and referred to Senate Committee's Committee.  
 01/30/2024—S Also referred to Senate Judiciary.  
 01/30/2024—S Also referred to Senate Finance.

**Bill:** SB271  
**Sponsors:** Ivey-Soto (D15)  
**Title:** NO-BOND HOLD FOR PRETRIAL RELEASE FELONY VIOLATIONS  
**Summary:** (SEM 59) Empowers a district court clerk to issue orders for the detention of felons who are arrested for a different felony charge. Requires the person to remain in custody until each judge assigned to any previous felony cases holds a hearing to consider modification or revocation of the person's conditions of release.  
**Subjects:** Criminal Code; Courts and Civil Matters; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/01/2024 - Senate Health and Public Affairs Committee  
**History:** 01/31/2024—S Introduced and referred to Senate Committee's Committee.  
 01/31/2024—S Also referred to Senate Health and Public Affairs.  
 01/31/2024—S Also referred to Senate Judiciary.  
 02/01/2024—S Reported germane by Senate Committee's Committee.

**Bill:** SB276  
**Sponsors:** Maestas (D26)  
**Title:** SENTENCING: PROBATION TO BE SERVED INSTEAD OF PAROLE  
**Summary:** Amends the Criminal Sentencing Act to require that where a period of probation is required following a period of incarceration, the probationary period shall be served instead of any required period on parole. Time served on probation where a sentence has been deferred or suspended is limited to the maximum allowable sentence of imprisonment for the crime of which the defendant was convicted. Parole shall not be required if it would be concurrent with a period of probation ordered as part of a partially suspended sentence.  
**Subjects:** Public Safety and Corrections; Courts and Civil Matters; Criminal Code  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/31/2024 - Senate Committee's Committee  
**History:** 01/31/2024—S Introduced and referred to Senate Committee's Committee.  
 01/31/2024—S Also referred to Senate Health and Public Affairs.  
 01/31/2024—S Also referred to Senate Judiciary.

**Bill:** SB277  
**Sponsors:** Lopez (D11)  
**Title:** ADDS TRIBAL MEMBER TO ORGANIZED CRIME PREVENTION COMMISSION  
**Summary:** Adds a tribal law enforcement representative to the Governor's Commission on Organized Crime Prevention; changes the commission from seven to eight members with the addition.  
**Subjects:** Public Safety and Corrections; Indians  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/31/2024 - Senate Committee's Committee  
**History:** 01/31/2024—S Introduced and referred to Senate Committee's Committee.  
 01/31/2024—S Also referred to Senate Indian, Rural & Cultural Affairs.  
 01/31/2024—S Also referred to Senate Judiciary.

**Bill:** SJM2  
**Sponsors:** Pinto (D3)  
**Title:** ATTORNEY GENERAL REQUESTED TO CONVENE MMIWR TASK FORCE  
**Summary:** Resolves that the Attorney General be requested to convene a

**Subjects:** Missing and Murdered Indigenous Women and Relatives Task Force to update the 2022 State Response Plan, provide ongoing legislative recommendations to address the current crisis in New Mexico.  
 State Affairs and State Agencies; Public Safety and Corrections; Indians  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - Senate Indian, Rural and Cultural Affairs Committee  
**History:** 01/23/2024—S Introduced and referred to Senate Rules.  
 01/23/2024—S Also referred to Senate Indian, Rural & Cultural Affairs.  
 02/02/2024—S Reported Do Pass by Senate Rules.  
**Comments:** Meeting of 30 Jan 24: No action was taken on this legislation.

**Bill:** SJR1  
**Sponsors:** Duhigg (D10)  
**Title:** CA: APPELLATE JUDGES NOMINATING COMMISSION CHANGES  
**Summary:** (Senate Joint Resolution) (Endorsed by the Courts, Corrections and Justice Committee) Proposes to amend Article 6, Section 35, of the New Mexico Constitution to replace the Dean of the UNM Law School as Chair of the Appellate Judges Nominating Commission with the Chief Justice of the Supreme Court (or designee); also adds an additional member of the Supreme Court to the Commission.  
**Subjects:** Courts and Civil Matters; Higher Education  
**Progress:** 1st House: Passed  
**Status:** 02/01/2024 - Passed in the Senate  
**History:** 01/18/2024—S Introduced and referred to Senate Rules.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.  
 01/24/2024—S Reported Do Not Pass but Do Pass as substituted by Senate Rules.  
 01/29/2024—S Reported Do Pass as amended by Senate Judiciary.  
 01/30/2024—S Referral withdrawn from Senate Finance.  
 02/01/2024—S Opened for floor debate.  
 02/01/2024—S Passed 27-10.  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** SJR6  
**Sponsors:** Ortiz y Pino (D12); Chavez (D26)  
**Title:** CA: CHILDREN, YOUTH AND FAMILIES COMMISSION AND DEPARTMENT  
**Summary:** (Senate Joint Resolution) Proposes a constitutional amendment to our state Constitution to create a new Children, Youth and Families Department and a three-member Children, Youth and Families Commission "as provided by law." By undertaking the creation through a constitutional change, the proposal abandons the studied methodology established for creating cabinet-level agencies within the Executive Branch of Government under the Executive Reorganization Act. The bill appears to transfer government reorganization authority from the Governor and the Legislature to the general public at the ballot box.  
**Subjects:** State Affairs and State Agencies; Family and Juveniles; Constitutional Issues and Amendments; Appropriations  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/02/2024 - Senate Judiciary Committee  
**History:** 01/18/2024—S Introduced and referred to Senate Rules.  
 01/18/2024—S Also referred to Senate Judiciary.  
 01/18/2024—S Also referred to Senate Finance.  
 02/02/2024—S Reported Do Pass as amended by Senate Rules.  
**Scheduled:** 02/05/2024—Senate Judiciary Committee, 1:30 p.m. or at Call of the Chair, 321  
**Comments:** Meeting of 23 Jan 24: No action was taken on this legislation.

**Bill:** SJR11  
**Sponsors:** Griggs (R34)  
**Title:** CA: CONDITIONS FOR DENIAL OF BAIL AND FOR PRETRIAL DETENTION

**Summary:** Proposes to amend Art. 2, Sec. 13 of the state Constitution of New Mexico to allow for denial of bail and for pretrial detention in certain situations. Also removes the requirement that bail denial be made only by a court of record and removes the limitation of bail denial to defendants charged with a felony.

**Subjects:** Constitutional Issues and Amendments; Criminal Code; Civil Rights

**Progress:** 1st House: Referred to Committee

**Status:** 01/18/2024 - Senate Rules Committee

**History:** 01/18/2024—S Introduced and referred to Senate Rules.  
01/18/2024—S Also referred to Senate Judiciary.  
01/18/2024—S Also referred to Senate Finance.

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

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**Bill:** **SJR12**

**Sponsors:** Wirth (D25)

**Title:** CA: MUNICIPALITIES AND COUNTIES MAY RESTRICT FIREARMS

**Summary:** Proposes to amend Article 2, Section 6, of the state Constitution to allow municipalities and counties to regulate firearms in a manner that is more restrictive than state law.

**Subjects:** Constitutional Issues and Amendments; Alcohol, Firearms and Tobacco Products; County Affairs; Municipalities/City Government

**Progress:** 1st House: Referred to Committee

**Status:** 01/22/2024 - Senate Rules Committee

**History:** 01/22/2024—S Introduced and referred to Senate Rules.  
01/22/2024—S Also referred to Senate Judiciary.

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**Bill:** **SM9**

**Sponsors:** Pinto (D3)

**Title:** GUN VIOLENCE PREVENTION TASK FORCE

**Summary:** (Similar to 2023 SM67) Requests that the Crime Victims Reparation Commission convene a gun violence prevention task force to study the issue of gun violence in New Mexico and to make recommendations for addressing the issue.

**Subjects:** Alcohol, Firearms and Tobacco Products; Public Safety and Corrections; Family and Juveniles; State Affairs and State Agencies; Indians; Higher Education; Interim Studies and Interim Committees

**Related:** 2023:SM67

**Progress:** 1st House: Referred to Committee

**Status:** 01/30/2024 - Senate Rules Committee

**History:** 01/30/2024—S Introduced and referred to Senate Rules.  
01/30/2024—S Also referred to Senate Health and Public Affairs.