

New Mexico Sentencing Commission Bill Tracker (2024 Reg)

Bill: HB19
Sponsors: Chasey (D18); Duhigg (D10)
Title: ELECTION OFFENSES: DISRUPTING ELECTION RESULTS AND FALSE ELECTORS
Summary: 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: Referred to Committee
Status: 01/25/2024 - House Government, Elections and Indian Affairs 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.

Bill: HB27
Sponsors: Garratt (D29)
Title: EXTREME RISK FIREARM PROTECTION ORDER REVISIONS
Summary: (HEM No. 10) Amends the Extreme Risk Firearm Protection Order Act to qualify health care professionals and law enforcement officers as a “reporting party” for purposes of seeking a petition for an extreme risk firearm protection order (extreme-risk order); provides an expedited process for temporary court orders to be issued at all times; requires immediate relinquishment of firearms upon service of the order; allows law enforcement agencies to sell or transfer unclaimed firearms; authorizes a law enforcement search warrant based on probable cause that the respondent is violating the extreme-risk order; “municipalities” and “counties” are authorized to enforce extreme-risk orders within their respective jurisdiction; makes definition changes; and removes ministerial requirement for district court clerks to provide copies of orders to various parties.
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: 01/24/2024 - House Judiciary Committee
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.
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: Introduced
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: DPS ENGRAVING TOOL 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. Transportation; Business, Manufacturing and Economic Development; Public Safety and Corrections; Appropriations
Subjects: 1st House: Reported from Committees
Progress: 01/23/2024 - House Appropriations and Finance Committee
Status: 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 PRESUMPTIONS
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; 2022:SB189
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: 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: 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: 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: Introduced
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.

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: 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: 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, court personnel and victim advocates.
Subjects: 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: 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: 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: 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: 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: REPEAL BACKGROUND CHECK REQUIREMENT 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: 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: **HB60**
Sponsors: Lord (R22)
Title: CRIMES AGAINST 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: 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: **HB61**
Sponsors: Reeb (R64)
Title: AGGRAVATED BATTERY ON A PEACE OFFICER
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: 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: **HB62**
Sponsors: Reeb (R64)
Title: INTERACTIVE VIDEO ANALYST TESTIMONY FOR TRAFFIC OFFENSES
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: 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: **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: 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: **HB66**
Sponsors: Reeb (R64)
Title: JUVENILE DELINQUENCY FOR CANNABIS POSSESSION
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;

Related: Cannabis/Controlled Substances
Progress: 2023:HB154
Status: Introduced
History: 01/17/2024 - House Rules and Order of Business Committee
 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: 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: **HB77**
Sponsors: Block (R51)
Title: CAPITAL FELONY OFFENSES: DEATH BY LETHAL INJECTION, SEPARATE SENTENCING HEARING
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: 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: **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: 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: **HB80**
Sponsors: Block (R51)
Title: ASSAULT, BATTERY AGAINST A PUBLIC SERVICE WORKER
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

Subjects: 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: 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: **HB86**
Sponsors: Borrego (D17)
Title: APPROPRIATION: STATE POLICE FOR 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: ENHANCED SENTENCE FOR MULTIPLE VEHICLE THEFTS
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: 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: **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: 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: **HB102**
Sponsors: Chandler (D43)
Title: MAGISTRATE COURT MADE A COURT OF RECORD
Summary: (HEM No. 43) Except for civil actions brought under the 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.

Subjects: 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.

Bill: **HB103**
Sponsors: Lord (R22)
Title: CHILD ABUSE: EXPOSURE TO CONTROLLED SUBSTANCE; NEWBORNS IN PROTECTIVE CUSODY
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: FENTANYL EXPOSURE AS EVIDENCE OF CHILD ABUSE AND APPROPRIATION
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: 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: 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: Introduced
Status: 01/17/2024 - House Judiciary 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.
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: Introduced
Status: 01/23/2024 - House Consumer and Public Affairs 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.
Scheduled: 01/27/2024—House Consumer and Public Affairs Committee, 12:00 p.m., Room 315 (Revised 01/26/2024)

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 SB6670) 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: Introduced
Status: 01/22/2024 - House Consumer and Public Affairs 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.
Scheduled: 01/27/2024—House Consumer and Public Affairs Committee, 12:00 p.m., Room 315 (Revised 01/26/2024)
Comments: Meeting of 23 Jan 24: No action was taken on this legislation.

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: 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: 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: HB134
Sponsors: Lente (D65)
Title: TRIBAL EDUCATION TRUST FUNDINAL DEFENDANT PRE-TRIAL RELEASE

Summary: (For the Indian Affairs Committee and the Legislative Education Study Committee) Creates the Tribal Education Trust Fund and a related nine-member Disbursement Formula Task Force that shall develop a distribution formula for the fund. The fund consists of distributions, appropriations, gifts, grants and donations and income from its investment, all of which shall be used for any purpose enumerated in Sec. 22-23A-2 or in an intergovernmental agreement between an Indian Nation, tribe or pueblo and the Public Education Department. Contains an explicit declaration that nothing in the section shall interfere with the sovereignty of federally recognized New Mexico tribes. Provides a \$100 million (GF, nonreverting) appropriation to the fund for use in FY2025 and subsequent years.
Subjects: Appropriations; Indians; Schools and Teachers; Public Finance and Budgets
Related: 2023:SB123; 2024:HB44; 2023:HB50
Progress: 1st House: Referred to Committee
Status: 01/18/2024 - House Education Committee
History: 01/18/2024—H Found Germane by Speaker Martinez pursuant to Constitution.
 01/18/2024—H Introduced and referred to House Education.
 01/18/2024—H Also referred to House Appropriations & Finance.

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: 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: 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

Subjects: Mexico. Effective date of act is July 1, 2024.
Alcohol, Firearms and Tobacco Products; Public Safety and Corrections; State Affairs and State Agencies; Health and Medical Practice

Progress: 1st House: Referred to Committee

Status: 01/24/2024 - House Consumer and Public Affairs 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.

Bill: **HB152**

Sponsors: Rehm (R31)

Title: PROHIBIT DRIVING WHILE INTOXICATED BY CONTROLLED DRUG

Summary: (Identical to 2023 HB484) Amends the Motor Vehicle Code to prohibit 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: SEPARATING LOW-LEVEL OFFENSE 15-YEAR-OLDS IN JUVENILE DETENTION

Summary: Adds a new section to the Delinquency Act that requires 15-year-olds arrested for alleged acts of delinquency to be

Subjects: physically separated by sight and sound from other youth ages 15 and older in juvenile detention facilities.
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 FIREARMS

Summary: 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: 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: 01/22/2024 - House Rules and Order of Business Committee

History: 01/22/2024—H Introduced and referred to House Rules & Order of Business.

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: Referred to Committee
Status: 01/22/2024 - House Health and Human Services 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.
Scheduled: 01/29/2024—House Health and Human Services Committee, 8:30 a.m., Room 315

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 July 1, 2024.
Subjects: 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: 01/25/2024 - 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 Judiciary.
 01/22/2024—H Also referred to House Appropriations & Finance.
 01/25/2024—H Reported Do Pass as amended by House Judiciary.

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.

Scheduled: 01/22/2024—H Also referred to House Judiciary.
 01/27/2024—House Consumer and Public Affairs Committee, 12:00 p.m., Room 315 (Revised 01/26/2024)

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.

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: (Related to 2024 SB55) Creates the misdemeanor crime of

Subjects: 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.

Scheduled: 01/27/2024—House Judiciary Committee, 1:30 p.m., Room 309

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.

Bill: **HB233**

Sponsors: Lujan (D48); Ortiz y Pino (D12)

Title: DETERMINATION OF COMPETENCY OF DEFENDANT IN CRIMINAL CASE

Summary: (SEM No. 35) (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.

Bill: **HB236**

Sponsors: Chasey (D18)

Title: PERA: PUBLIC SAFETY EMPLOYEES RETURN TO WORK

Summary: (Related to 2024 HB154) 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, juvenile correctional officers, juvenile detention officers, municipal police officers, sheriff's deputies, and state police officers. Imposes conditions.

Subjects: Public Employees/Retirement; Public Safety and Corrections

Related: 2024:HB154

Progress: 1st House: Referred to Committee

Status: 01/24/2024 - House Labor, Veterans' and Military 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 Labor, Veterans' & Military Affairs.
01/24/2024—H Also referred to House Judiciary.

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: 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.

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.

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: 1st House: Reported from Committees

Status: 01/24/2024 - Senate Judiciary Committee

History: 01/16/2024—S Introduced and referred to Senate Committee's Committee.

01/16/2024—S Also referred to Senate 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.
Comments: 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) Makes a number of changes relating to cannabis regulation including: 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: 01/23/2024 - Senate Judiciary Committee
History: 01/18/2024—S Introduced and referred to Senate Committee's Committee.
 01/18/2024—S Also referred to Senate Judiciary.
 01/18/2024—S Also referred to Senate Finance.
 01/23/2024—S Reported germane by Senate Committee's Committee.
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 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
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.

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.
 01/17/2024—S Also referred to Senate Finance.
 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, PENALTIES
Summary: (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: 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: 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: 01/18/2024 - Senate Health and Public Affairs 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.
 01/18/2024—S Reported germane by Senate Committee's Committee.
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: Reported from Committees
Status: 01/18/2024 - Senate Health and Public Affairs 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.
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: 01/22/2024 - 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: 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.
Scheduled: 01/29/2024—Senate Health and Public Affairs Committee, 1:00 p.m. or 30 minutes after floor session, Room 11 (Revised

01/26/2024)
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: (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.

Bill: SB124
Sponsors: Brandt (R40)
Title: LAW ENFORCEMENT SERVICE CREDIT PURCHASE
Summary: (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.

Summary: INTERN BACKGROUND CHECKS (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: 01/25/2024 - Senate Education 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.
Scheduled: 01/29/2024—Senate Education Committee, 8:30 a.m., Room 311

Bill: SB145
Sponsors: Duhigg (D10)
Title: PROHIBITS DETENTION FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS
Summary: (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: 01/25/2024 - Senate Health and Public Affairs 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.

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: 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: 01/26/2024 - Senate Health and Public Affairs 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.

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: 01/24/2024 - Senate Judiciary Committee
History: 01/23/2024—S Introduced and referred to Senate Committee's Committee.
 01/23/2024—S Also referred to Senate Judiciary.
 01/23/2024—S Also referred to Senate Finance.
 01/24/2024—S Reported germane by Senate Committee's Committee.

Bill: SB152
Sponsors: Hemphill (D28)
Title: ECECD AND CYFD EMPLOYEE, VOLUNTEER AND

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: 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: 01/24/2024 - Senate Judiciary Committee
History: 01/23/2024—S Introduced and referred to Senate Committee's Committee.
 01/23/2024—S Also referred to Senate Judiciary.
 01/23/2024—S Also referred to Senate Finance.
 01/24/2024—S Reported germane by Senate Committee's Committee.

Bill: SB178
Sponsors: Ivey-Soto (D15)
Title: JUVENILE FIREARM CRIME RECORDS NOT SEALED FOR CRIMINAL BACKGROUND CHECKS
Summary: 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: 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 Health and Public Affairs.
 01/23/2024—S Also referred to Senate Judiciary.

Bill: SB190
Sponsors: Ivey-Soto (D15)
Title: DWI ACT AND BOATING WHILE INTOXICATED ACT
Summary: 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: 01/24/2024 - 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.
 01/24/2024—S Reported germane by Senate Committee's Committee.

Scheduled: 01/29/2024—Senate Health and Public Affairs Committee, 1:00 p.m. or 30 minutes after floor session, Room 11 (Revised 01/26/2024)

Bill: SB195
Sponsors: Munoz (D4)
Title: RETAIL ESTABLISHMENT ENTRY TO COMMIT THEFT, 4TH DEGREE FELONY
Summary: 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.

Bill: SB204
Sponsors: Ivey-Soto (D15)
Title: NO FIREARMS IN PARKS OR PLAYGROUNDS
Summary: 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: Referred to Committee
Status: 01/24/2024 - Senate Committee's 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.

Bill: SB208
Sponsors: Wirth (D25)
Title: AUTOMATIC LICENSE PLATE READER ACT, HIGH-SPEED CAMERAS
Summary: 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: Referred to Committee
Status: 01/25/2024 - Senate Committee's 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.

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: Referred to Committee

Status: 01/26/2024 - Senate Committee's 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.

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

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 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.

Subjects: State Affairs and State Agencies; Public Safety and Corrections; Indians

Progress: 1st House: Referred to Committee

Status: 01/23/2024 - Senate Rules Committee

History: 01/23/2024—S Introduced and referred to Senate Rules.
01/23/2024—S Also referred to Senate Indian, Rural & Cultural Affairs.

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.

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: Reported from Committees

Status: 01/24/2024 - 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.
01/24/2024—S Reported Do Not Pass but Do Pass as substituted by Senate Rules.

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

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.

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: Introduced

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.