

## New Mexico Sentencing Commission Bill Tracker (2021 Reg)

**Bill:** HB4  
**Sponsors:** Louis (D26); Egolf (D47); Cervantes (D31)  
**Title:** QUALIFIED IMMUNITY PROTECTIONS DIMINISHED  
**Summary:** (Related to 2020 SS1 HB5, which created a Civil Rights Commission) Cited as the New Mexico Civil Rights Act, establishes the right of an individual to bring a claim against a public body or anyone acting on behalf of a public body for violation of constitutional rights, privileges, or immunities.  
**Subjects:** County Affairs; Municipalities/City Government; State Affairs and State Agencies; Courts and Civil Matters; Insurance; Labor  
**Related:** 2020:HB5  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/01/2021 – Senate Judiciary Committee  
**History:** 01/19/2021—H Introduced and referred to House State Government, Elections & Indian Affairs. 01/19/2021—H Also referred to House Judiciary. 01/28/2021—H Reported Do Pass by House State Government, Elections & Indian Affairs. 02/09/2021—H Reported Do Not Pass but Do Pass as substituted by House Judiciary. 02/16/2021—H Opened for floor debate. 02/16/2021—H Floor amendments adopted (Amendment 1) (Rep. Georgene Louis) Voice Vote. 02/16/2021—H Note: (Amendment 2) (Rep. Lane) Tabled (44-24). 02/16/2021—H Passed 39-29. 02/17/2021—S Received in the Senate and referred to Senate Health and Public Affairs. 02/17/2021—S Also referred to Senate Judiciary. 03/01/2021—S Reported without recommendation as amended by Senate Health and Public Affairs.  
**Comments:** No action was taken on this legislation. AOC noted that there was a concern with how the bill as written might impact the Judiciary, and could possibly abrogate judicial immunity.

**Bill:** HB12  
**Sponsors:** Martinez, J. (D11); Romero, A. (D46)  
**Title:** CANNABIS REGULATION ACT AND CANNABIS TAX ACT  
**Summary:** (Analysis Revised 2/9/2021) (Similar to 2020 HB160, related to 2021 HB17, SB13, SB288; 2020 HB334, SB115) Governs the legalization and taxation of adult-use cannabis. Creates the Cannabis Regulation Act to consolidate regulation and administration of commercial and medical cannabis activity except medical user registry by creation of the Cannabis Control Division of Regulation and Licensing Department. Provides for licensure and fees for producers, producer microbusinesses, manufacturers, testing laboratories, couriers, research laboratories, servers, education and training, and integrated cannabis establishments and microbusinesses. Provides for local control. Creates the Cannabis Tax Act to impose an excise tax of nine percent, a municipal tax of three percent, and a county tax of four percent. Requires extensive rule-making and interagency cooperation; creates new funds, programs and reporting requirements; amends the Lynn and Erin Compassionate Use Act, the Tax

**Subjects:** Administration Act, the Controlled Substances Act and other sections of statute. Higher Education; Labor; Health and Medical Practice; Schools and Teachers; County Affairs; Courts and Civil Matters; Municipalities/City Government; Criminal Code; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Family and Juveniles; Agriculture and Ranching; Public Safety and Corrections; Indians; Taxation, Fees and Audits  
**Related:** 2020:SB115; 2020:HB334; 2020:HB160; 2021:HB17; 2021:SB13  
**Progress:** 2nd House: Referred to Committee  
**Status:** 03/02/2021 – Senate Tax, Business and Transportation Committee  
**History:** 02/02/2021—H Introduced and referred to House Health & Human Services. 02/02/2021—H Also referred to House Taxation & Revenue. 02/16/2021—H Reported Do Not Pass but Do Pass as substituted by House Health & Human Services. 02/24/2021—H Reported Do Not Pass but Do Pass as substituted by House Taxation & Revenue. 02/26/2021—H Opened for floor debate. 02/26/2021—H Floor amendments adopted (Amendment 1) (Rep. Javier Martinez) Voice Vote. 02/26/2021—H Note: (Amendment 2) (Rep. Crowder) Withdrawn by Sponsor. 02/26/2021—H Note 2: (Amendment 2) (Rep. Rod Montoya) Tabled (44-25). 02/26/2021—H Passed 39-31. 03/02/2021—S Received in the Senate and referred to Senate Tax, Business & Transportation. 03/02/2021—S Also referred to Senate Judiciary.  
**Scheduled:** 03/09/2021—Senate Tax, Business and Transportation Committee, 1:30 p.m. or 15 minutes after floor session, Virtual  
**Comments:** The committee voted to support this legislation, as these issues have been discussed for years, by a vote of 3-2 (AODA and NMCD against), with the Chair, AOC, CYFD, DPS, and a public member abstaining. NMSC noted that the bill contained a fine for juveniles in two places, which was contrary to the policy behind HB 183. LOPD stated that they were working with the sponsors of the bill on those provisions, and noted that there was a provision whereby if the juvenile could not pay the fine, other options were available.

**Bill:** HB17  
**Sponsors:** Lujan (D48)  
**Title:** CANNABIS REGULATION ACT  
**Summary:** (Duplicate of 2021 SB13; related to 2020 SB115, HB160; 2019 HB356, SB577) Relates to the legalization, production, use, sale, taxation and licensure of commercial cannabis. Creates the Cannabis Regulation Act to regulate the commercial production, possession, manufacture, storage, testing, researching, labeling, transportation, couriership and sale of cannabis and cannabis products. Provides for licensing fees.

**Subjects:** Creates the Cannabis Tax Act to impose a 20% sales tax on retail sales of nonmedical cannabis products, of which two-thirds (13 percent) is distributable to the state and one-third (35 percent) to the municipality or unincorporated portion of a county where the sale takes place. Health and Medical Practice; Criminal Code; Business, Manufacturing and Economic Development; Agriculture and Ranching; Public Safety and Corrections; Environment and Pollution; Taxation, Fees and Audits

**Related:** 2019:SB577; 2019:HB356; 2020:SB115; 2020:HB160; 2021:SB13

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

**Status:** 02/02/2021 – House Health and Human Services Committee

**History:** 02/02/2021—H Introduced and referred to House Health & Human Services.  
02/02/2021—H Also referred to House Taxation & Revenue.

**Bill:** **HB27**

**Sponsors:** Stapleton (D19)

**Title:** CREATES CRIME OF STUDENT HAZING

**Summary:** (Identical to 2019 HB352; similar to 2017 HB200 and related to 2017 HB427) Creates the crime of hazing, which consists of a public or private post-secondary school student willfully acting or creating a situation that recklessly or intentionally endangers the mental or physical health of another current or prospective student for the purpose of induction, initiation, or admission of the current or prospective student into, or maintenance of membership in, a student organization, student body or private athletic club. Applies regardless of the post-secondary institution's formal recognition or authorization of the organization.

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

**Related:** 2019:HB352; 2017:HB200; 2017:HB427

**Progress:** 2nd House: Referred to Committee

**Status:** 03/02/2021 – Senate Health and Public Affairs Committee

**History:** 01/04/2021—H Prefiled in the House.  
01/19/2021—H Introduced and referred to House Education.  
01/19/2021—H Also referred to House Judiciary.  
01/19/2021—H Also referred to House Appropriations & Finance.  
01/28/2021—H Reported Do Pass by House Education.  
02/16/2021—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.  
02/22/2021—H Referral withdrawn from House Appropriations & Finance.  
02/28/2021—H Opened for floor debate.  
02/28/2021—H Passed 60-9.  
03/02/2021—S Received in the Senate and referred to Senate Health and Public Affairs.  
03/02/2021—S Also referred to Senate Judiciary.

**Comments:** The committee voted not to support this legislation, due to concerns with vagueness as to what the crime entailed and in the definitions and that it appears that someone could be charged with hazing when no injury in fact occurs, by a vote of 6-1 (AGO against), with AODA, NMCD, CYFD, and a public member abstaining.

**Bill:** **HB31**

**Sponsors:** Sarinana (D21)

**Title:** MILITARY JUSTICE CODE SEX CRIMES REDEFINED

**Summary:** (For the Military and Veterans' Affairs Committee) Relates to the Code of Military Justice; redefines rape, sexual assault, sexual contact, unlawful force, and consent, among other terms. Specifically removes marriage as a defense for conduct in a prosecution for a sex crime and strikes references to the gender of a victim. Punishment for persons found guilty under the Code of Justice remains the same, i.e., requiring that the person shall be punished as a court-martial may direct.

**Subjects:** Criminal Code; Veterans and Military Affairs; Public Safety and Corrections; Family and Juveniles

**Progress:** 2nd House: Reported from Committees

**Status:** 03/08/2021 – Senate Judiciary Committee

**History:** 01/04/2021—H Prefiled in the House.  
01/19/2021—H Introduced and referred to House Labor, Veterans' & Military Affairs.  
01/19/2021—H Also referred to House Judiciary.  
01/28/2021—H Reported Do Pass by House Labor, Veterans' & Military Affairs.  
02/16/2021—H Reported Do Pass as amended by House Judiciary.  
02/22/2021—H Opened for floor debate.  
02/22/2021—H Passed 68-0.  
02/24/2021—S Received in the Senate and referred to Senate Health and Public Affairs.  
02/24/2021—S Also referred to Senate Judiciary.  
03/08/2021—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** No action was taken on this legislation.

**Bill:** **HB40**

**Sponsors:** Rubio (D35); Bash (D68); Ely (D23); Chasey (D18); Duhigg (D10)

**Title:** PRIVATE DETENTION FACILITY MORATORIUM ACT

**Summary:** Creates the Private Detention Facility Moratorium Act to remove authorization for any nongovernmental entity to operate a private detention facility, including juvenile detention; exempts work-release facilities and private contracts in effect prior to the act's 2021 effective date; makes the operation of a private detention facility unlawful; prohibits public funding of privately operated detention facilities; provides for recommended termination of existing contracts based on inspection reports; requires annual reports by Corrections Department to the Legislature; provides penalties. Repeals existing sections of law governing private contracts and jail agreements.

**Subjects:** County Affairs; Municipalities/City Government; Criminal Code; State Affairs and State Agencies; Public Safety and Corrections

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

**Status:** 02/16/2021 – House Appropriations and Finance Committee

**History:** 01/06/2021—H Prefiled in the House.  
01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
01/19/2021—H Also referred to House Judiciary.  
02/02/2021—H Reported Do Pass by House Consumer & Public Affairs.  
02/11/2021—H Referred to House Appropriations & Finance.  
02/16/2021—H Reported Do Pass as amended by House Judiciary.

**Comments:** No action was taken on this legislation. NMCD noted that they had considered running an agency bill along these lines. They have concerns over certain elements of the bill as drafted, but hope to iron those out as the Session develops. A private member noted that private detention facilities have generated confinement, and that the private facilities undercut state wages and have an adverse effect on those who work in the corrections industry. AODA expressed the concern that the bill also covers jails, which could have an adverse impact on the counties that have jails. LOPD indicated that they strongly supported getting rid of private prisons and jails.

**Bill:** HB47  
**Sponsors:** Armstrong, D. (D17); Hochman-Vigil (D15); Stefanics (D39); O'Neill (D13)  
**Title:** ELIZABETH WHITEFIELD END-OF-LIFE OPTIONS ACT  
**Summary:** (Substantially the same as 2019 HB90 and SB153; related to 2017 HB171 and SB252) Cited as the Elizabeth Whitefield End of Life Options Act, House Bill 47 would provide terminally ill adults who are mentally competent the option of having medical assistance in bringing about their own death. Under current law, it is illegal for a health care provider to write a prescription for a patient to end life. Establishes rights, procedures and protections related to medical aid in dying. Removes criminal liability for attending health care providers who provide assistance. The act is not to be construed as authorization for a physician or other person to end a life by lethal injection, mercy killing, or euthanasia. Actions taken in accordance with provisions of the act shall not be construed to constitute suicide, assisted suicide, euthanasia, mercy killing, homicide, or adult abuse.  
**Subjects:** Aging; Civil Rights; Courts and Civil Matters; Criminal Code; Health and Medical Practice; Human Services; Insurance  
**Related:** 2019:HB90; 2019:SB153; 2017:HB171; 2017:SB252  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/02/2021 – Senate Judiciary Committee  
**History:** 01/07/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Health & Human Services.  
 01/19/2021—H Also referred to House Judiciary.  
 02/09/2021—H Reported Do Pass as amended by House Health & Human Services.  
 02/16/2021—H Reported Do Pass as amended by House Judiciary.  
 02/19/2021—H Opened for floor debate.  
 02/19/2021—H Note: (Floor Amendment 1) (Rep. Lane) Tabled (43-23).  
 02/19/2021—H Note 2: (Floor Amendment 1) (Rep. Crowder) Amendment withdrawn by sponsor.  
 02/19/2021—H Note 3: (Floor Amendment 1) (Rep. Rod Montoya) Tabled (44-22).  
 02/19/2021—H Passed 39-27.  
 02/24/2021—S Received in the Senate and referred to Senate Health and Public Affairs.  
 02/24/2021—S Also referred to Senate Judiciary.  
 03/02/2021—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** The committee voted to support this legislation by a vote of 5-1 (Magistrate Judge against), with 6 members abstaining.

**Bill:** HB54  
**Sponsors:** Romero, A. (D46)  
**Title:** BARBERS AND COSMETOLOGISTS ACT  
**Summary:** Amends the Barbers and Cosmetologists Act to enumerate duties of the Regulation and Licensing Department and clarify those of the Board of Barbers and Cosmetologists. Eliminates certain formal education requirements for licensure of barbers, hairstylists, cosmetologists and cosmetologist instructors; and amends grounds for refusal to issue or renew a license or suspend or revoke one.  
**Subjects:** Business, Manufacturing and Economic Development; State Affairs and State Agencies  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/17/2021 – Senate Tax, Business and Transportation Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/19/2021—H Also referred to House State Government, Elections & Indian Affairs.  
 01/28/2021—H Reported Do Pass by House Consumer & Public Affairs.  
 02/09/2021—H Reported Do Pass by House State Government, Elections & Indian Affairs.  
 02/16/2021—H Opened for floor debate.  
 02/16/2021—H Note: (Floor Amendment 1) (Rep.Lord) Tabled (44-22).  
 02/16/2021—H Passed 48-15.  
 02/17/2021—S Received in the Senate and referred to Senate Tax, Business & Transportation.  
 02/17/2021—S Also referred to Senate Judiciary.  
**Comments:** The committee voted to support this legislation unaniously, as the bill directly affects people who are presently incarcerated and are being trained in the barber and cosmetology fields. NMCD noted that the issue is that because of the present state of the law, inmates are unable to get their license in these fields upon release, despite their training.

**Bill:** HB56  
**Sponsors:** Louis (D26); Thomson (D24)  
**Title:** HUMAN TRAFFICKING AND SEX OFFENDER CHANGES  
**Summary:** (Virtually identical to 2020 HB237 as HJC amended) Imposes stricter penalties for convictions of human trafficking and removes the statute of limitations for filing prosecutions against persons accused of human trafficking and the sexual exploitation of children; expands the definition of a sex offender to include human trafficking for commercial sexual activity and to include a person who owns residential property in New Mexico who has been convicted in another jurisdiction; raises age of victim of sexual exploitation of a child to a person under age 18; makes human trafficking of any person under age 18 a first degree felony; and expands scope of registry that is maintained on sex offenders by the Department of Public Safety (DPS)  
**Subjects:** Criminal Code; Family and Juveniles; Public Safety and Corrections  
**Related:** 2020:HB237  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/24/2021 – Senate Judiciary Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House

Consumer & Public Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
 01/19/2021—H Also referred to House Appropriations & Finance.  
 01/28/2021—H Reported Do Pass by House Consumer & Public Affairs.  
 02/11/2021—H Referral withdrawn from House Appropriations & Finance.  
 02/16/2021—H Reported Do Pass as amended by House Judiciary.  
 02/22/2021—H Opened for floor debate.  
 02/22/2021—H Passed 63-3.  
 02/24/2021—S Received in the Senate and referred to Senate Judiciary.  
 02/24/2021—S Also referred to Senate Finance.

**Comments:** The committee voted to support this legislation, as the it is important for victims, especially as it includes provisions concerning the Victims of Crime Act and important amendments to SORNA, by a vote of 6-4 (two public members, AOC, and LOPD against), with a public member abstaining. LOPD noted that removing conditional discharge from SORNA as discretionary removes a useful tool in plea negotiations; the inclusion of crimes from any jurisdiction might mean someone has to register for an offense that is not registerable in New Mexico, or possibly not even a crime here; and the law also increases and adds penalties, when there are already severe penalties for the crimes targeted here.

**Bill:** HB58  
**Sponsors:** Rehm (R31)  
**Title:** VIOLENT FELONIES FOR LIFE IMPRISONMENT  
**Summary:** (Identical to HB33 2020) Under the Criminal Sentencing Act, expands the types of felony convictions incurred by a defendant that are subject to mandatory life imprisonment sentencing enhancements, without the possibility of parole, to persons three times convicted of violent crimes. Applies to convictions of violent felonies that occurred on, before or after July 1, 2021. Includes in-state and out-of-state convictions of violent crimes committed before age 18 where the person was sentenced as an adult under Sec. 31-18-15.3 (serious youthful offender, which includes murder in the first degree) or Sec. 32A-2-20 (disposition of a youthful offender as an adult).  
**Subjects:** Public Safety and Corrections; Criminal Code; Civil Rights  
**Related:** 2020:HB33  
**Progress:** Introduced  
**Status:** 01/19/2021 – House Consumer and Public Affairs Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
 01/19/2021—H Also referred to House Appropriations & Finance.

**Comments:** The committee voted not to support this legislation, due to the NMSC historically opposing mandatory sentencing, by a vote of 7-2 (AODA and DPS against), with NMCD, CYFD, and AGO abstaining. CYFD noted that the bill includes the disposition of youthful offenders as adults, which could mean that juvenile charges stack up. LOPD noted that the bill would broaden the scope of the three strikes law to include crimes that do not involve physical injury or harm.

**Bill:** HB59  
**Sponsors:** Rehm (R31)  
**Title:** SENTENCING FOR HABITUAL OFFENDERS, INCLUDING DWI  
**Summary:** (Identical to 2020 HB 34 and 2019 HB607) Requires a 25-year interval (current law requires 10 years) between felony convictions in order to circumvent habitual-offender penalties under the Habitual Offender Sentencing Act. Brings convictions, under Sec. 66-8-102, for aggravated driving while under the influence of intoxicating liquor or drugs within the scope of the act, making them count as a prior felony committed in New Mexico, whether within the Criminal Code or not, for the purpose of invoking habitual-offender penalties. Applies to sentences imposed on or after July 1, 2021.  
**Subjects:** Criminal Code; Public Safety and Corrections; Transportation  
**Related:** 2020:HB34; 2019:HB607  
**Progress:** Introduced  
**Status:** 01/19/2021 – House Consumer and Public Affairs Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
**Comments:** The committee voted not to support this legislation, by a vote of 8-3 (AGO, AODA, and DPS against), with NMCD and CYFD abstaining.

**Bill:** HB61  
**Sponsors:** Rehm (R31)  
**Title:** RESERVE OFFICERS TRAINING ACT  
**Summary:** (Identical to 2020 HB31, 2019 HB107) Creates the Reserve Police Officer Act to authorize state and local governments to commission reserve police officers to assist police officers. Defines their powers, duties, qualifications, licensure and training. Amends related statutes to conform with the act.  
**Subjects:** County Affairs; Courts and Civil Matters; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies; Public Safety and Corrections  
**Related:** 2020:HB31; 2019:HB107  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/28/2021 – House Judiciary Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House State Government, Elections & Indian Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
 01/28/2021—H Reported Do Pass by House State Government, Elections & Indian Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** HB62  
**Sponsors:** Rehm (R31)  
**Title:** STATUTE OF LIMITATIONS: MURDER AND DRUG TRAFFICKING  
**Summary:** (Identical to 2020 HB36; related to 2019 HB104) Current law (Sec. 31-1-8) provides for a six-year statute of limitations for prosecution of second-degree felonies. The bill removes the limitation for second-degree felony murders. Consequently, second-degree felony murders would be treated like capital felonies and first-degree violent felonies, all of which may be

**Subjects:** prosecuted at any time.  
**Related:** Criminal Code; Public Safety and Corrections  
**Progress:** 2020:HB36; 2019:HB104  
**Status:** Introduced  
 01/19/2021 – House Consumer and Public Affairs Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
**Comments:** The committee voted to support this legislation, as if a murder is unsolved and the statute of limitations for second degree murder runs, prosecutors are faced with having to pursue a far more difficult first degree murder charge, by a vote of 8-3 (two public members and LOPD against), with CYFD abstaining. LOPD noted that if facts do not support a second degree murder charge, then first should not be charged; that we should not be incentivizing charging when a long period of time has passed, which makes developing a defense difficult; and that LOPD generally opposes extending statute of limitations, and particularly opposes removing them. AODA noted that the bill is important as someone has lost a life in these cases.

**Bill:** HB63  
**Sponsors:** Rehm (R31)  
**Title:** COURT ORDERED CHEMICAL BLOOD TESTS IN DWI OR DUI SUSPECTED CASES  
**Summary:** (Identical to HB231 2020) Strengthens court’s authority to issue a warrant to conduct chemical tests on a person who has refused to submit to chemical breath testing, who is suspected of operating a motor vehicle while under the influence of intoxicating liquor or drugs. Also expands immunity provisions to include EMTs or phlebotomists among health professionals who are authorized to perform chemical blood tests on persons suspected of operating a motor vehicle or motorboat while under the influence of intoxicating liquor or drugs.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections; Health and Medical Practice; Transportation  
**Progress:** Introduced  
**Status:** 01/19/2021 – House Consumer and Public Affairs Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
**Comments:** The committee voted to support this legislation, as it would fix a loophole that prevents many people from being charged with a DWI, by a vote of 8-3 (two public members and LOPD against), with CYFD abstaining.

**Bill:** HB64  
**Sponsors:** Rehm (R31)  
**Title:** UNLAWFUL USE OF BODY ARMOR  
**Summary:** Amends the Criminal Code to make it unlawful for a convicted felon to knowingly possess body armor or knowingly wear or otherwise use it during commission of a felony. Makes unlawful possession a fourth-degree felony and knowing use during commission of a felony a third-degree felony.  
**Subjects:** Criminal Code; Public Safety and Corrections

**Progress:** Introduced  
**Status:** 01/19/2021 – House Consumer and Public Affairs Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
**Comments:** The committee voted not to support this legislation, by a vote of 7-2 (DPS and AODA against), with a public member, AGO, and CYFD abstaining. LOPD noted that there is considerable vagueness in the bill, especially as what constitutes body armor can vary considerably. A public member noted that it was a problem that simple possession was criminalized, and that in prisons, prisoners often will wear unconventional material, such as books, under their clothes to protect themselves, and the bill as drafted would criminalize that self-protection.

**Bill:** HB69  
**Sponsors:** Hochman-Vigil (D15)  
**Title:** UNMANNED AIRCRAFT (DRONES) SYSTEMS USE AND PRIVACY SAFEGUARDING ACT  
**Summary:** Cited as the Unmanned Aircraft Systems Use and Privacy Safeguarding Act, restricts certain uses of unmanned aircraft systems and imposes civil liabilities and criminal penalties for violating those restrictions. Grants immunity for a first responder for any damage caused to an unmanned aircraft system that interferes with the provision of emergency services. Calls for a study on ways to integrate unmanned aircraft systems within certain state and local government functions. Department of Public Safety (DPS) required to complete a study on use of unmanned aircraft by state and local governments.  
**Subjects:** Transportation; Public Safety and Corrections; Courts and Civil Matters; Criminal Code  
**Progress:** Introduced  
**Status:** 01/19/2021 – House Transportation, Public Works and Capital Improvements Committee  
**History:** 01/08/2021—H Prefiled in the House.  
 01/19/2021—H Introduced and referred to House Transportation, Public Works & Capital Improvements.  
 01/19/2021—H Also referred to House Judiciary.  
**Comments:** No action was taken on this legislation.

**Bill:** HB70  
**Sponsors:** Hochman-Vigil (D15); Rehm (R31)  
**Title:** DOMESTIC TERRORISM AND ALL SOURCE INTELLIGENCE CENTER  
**Summary:** (Very similar to 2020 HB269) Amends the Antiterrorism Act to define the second-degree felony crime of terrorism and the third -degree felony crimes of possessing a terroristic weapon and making a terroristic threat involving a school, community center, place of worship, or public accommodation. Amends the Computer Crimes Act to define the third-degree felony crime of cyberterrorism, including denial of service attacks. Redefines certain training or practice to use a weapon, device or technique to commit terrorism as a third -degree felony. Requires the Homeland Security Department to maintain a New Mexico All Source Intelligence Center as cross-jurisdictional federal, state and local partnership to protect the state from border, criminal and terrorist threats.

**Subjects:** Criminal Code; State Affairs and State Agencies; Public Safety and Corrections; Alcohol, Firearms and Tobacco Products

**Related:** 2020:HB269

**Progress:** Introduced

**Status:** 01/19/2021 – House Consumer and Public Affairs Committee

**History:** 01/08/2021—H Prefiled in the House.  
01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
01/19/2021—H Also referred to House Judiciary.  
01/19/2021—H Also referred to House Appropriations & Finance.

**Comments:** The committee voted to support this legislation, as the current terrorism laws are outdated, and in the current climate this bill would bring New Mexico's laws in line with those of other states, by a vote of 8-3 (two public members and LOPD against), with AOC abstaining. AGO noted that the provisions concerning cyber-terrorism were particularly important, as there has been an increase in these kinds of attacks on universities, counties, and government agencies, and that New Mexico does not have any crimes on the books to address these attacks, but this bill would give prosecutors the necessary tools. LOPD noted that while parts of the bill target domestic terrorism, other parts are written so broadly that they could be used for other purposes; that what constitutes a civilian population is not defined, so it is unclear what size of gathering of people would be considered a civilian population in this bill; that many of the crimes addressed in the bill already are covered by other crimes in the Criminal Code; that a terror threat against a school could also include a teen who has no real intent to harm anyone; and that the term terroristic threat is vague and so it is unclear what is covered by the term.

**Bill:** **HB73**

**Sponsors:** Trujillo, Christine (D25)

**Title:** INDECENT WEBSITE TRADE PRACTICES: HUMAN TRAFFICKING AND CHILD EXPLOITATION

**Summary:** Cited as the Human Trafficking and Child Exploitation Act, the bill appears to be based on model legislation (see: <http://humantraffickingpreventionact.com/>). Its stated purpose is to regulate retailers engaged in indecent deceptive trade practices, cause existing laws to catch up to modern technology and deter the erosion of contemporary community standards of decency. Makes extensive legislative findings. Creates a duty for retailers of internet-enabled devices to ensure that certain products are equipped with filters that block websites known to facilitate human trafficking or prostitution and display child pornography, revenge pornography or obscene material harmful to minors; and to create continuing duties for retailers.

**Subjects:** Telecommunications; Taxation, Fees and Audits; Information Technology; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Courts and Civil Matters; Family and Juveniles; Public Safety and Corrections; Municipalities/City Government; County Affairs; Criminal Code

**Progress:** Introduced

**Status:** 01/19/2021 – House Consumer and Public Affairs Committee

**History:** 01/10/2021—H Prefiled in the House.

01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
01/19/2021—H Also referred to House Judiciary.

**Comments:** No action was taken on this legislation. LOPD and NMSC noted that this seems to be some kind of model legislation, as much of it does not conform to normal LCS style.

**Bill:** **HB74**

**Sponsors:** Chasey (D18)

**Title:** VOTER REGISTRATION FOR FELONS

**Summary:** (For the Courts, Corrections and Justice Committee) Repeals the automatic cancellation of voter registration after an individual is convicted of a felony charge.

**Subjects:** State Affairs and State Agencies; Elections; Public Safety and Corrections

**Related:** 2019:HB57

**Progress:** 2nd House: Referred to Committee

**Status:** 02/17/2021 – Senate Rules Committee

**History:** 01/11/2021—H Prefiled in the House.  
01/19/2021—H Introduced and referred to House State Government, Elections & Indian Affairs.  
01/19/2021—H Also referred to House Judiciary.  
01/28/2021—H Reported Do Pass by House State Government, Elections & Indian Affairs.  
02/04/2021—H Reported Do Pass as amended by House Judiciary.  
02/11/2021—H Opened for floor debate.  
02/11/2021—H Note: Floor Amendment 1 (Rep. Ezzell) Tabled (43-26).  
02/11/2021—H Floor amendments adopted (Amendment 1) (Rep. Jane Powdrell-Culbert) Voice Vote.  
02/11/2021—H Passed 44-24.  
02/17/2021—S Received in the Senate and referred to Senate Rules.  
02/17/2021—S Also referred to Senate Judiciary.

**Comments:** The committee voted to support this legislation by a vote of 5-3 (DPS, AODA, and Magistrate Judge against), with AGO, AOC, NMCD, CYFD, and a public member abstaining.

**Bill:** **HB80**

**Sponsors:** Rehm (R31)

**Title:** NO BAIL DETENTION AND DRUG TREATMENT

**Summary:** Establishes conditions under which bail shall be denied and authorizes participation in substance abuse treatment programs by detained persons for some or the entirety of the time pending trial.

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

**Progress:** Introduced

**Status:** 01/19/2021 – House Consumer and Public Affairs Committee

**History:** 01/14/2021—H Prefiled in the House.  
01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
01/19/2021—H Also referred to House Judiciary.

**Comments:** The committee voted not to support this legislation, as the relatively new bail process that the state has should be allowed to go forward, and that data on people who have been released since the constitutional amendment passed show that recidivism rates for those released are low, by a vote of 6-3 (DPS, AODA, and Magistrate Judge against), with NMCD, CYFD, and a public member abstaining. LOPD added that elements of this bill could run afoul of the present constitutional

provision on bail.

**Bill:** HB81  
**Sponsors:** Rehm (R31)  
**Title:** FIREARMS AND CONTROLLED SUBSTANCE TRAFFICKING PENALTY  
**Summary:** (Identical to 2020 HB114) Makes unlawful the carrying of a firearm while trafficking a controlled substance and imposes a third-degree felony penalty.  
**Subjects:** Criminal Code; Alcohol, Firearms and Tobacco Products; Public Safety and Corrections  
**Related:** 2020:HB114  
**Progress:** Introduced  
**Status:** 01/19/2021 – House Consumer and Public Affairs Committee  
**History:** 01/14/2021—H Prefiled in the House. 01/19/2021—H Introduced and referred to House Consumer & Public Affairs. 01/19/2021—H Also referred to House Judiciary. 01/19/2021—H Also referred to House Appropriations & Finance.  
**Comments:** No action was taken on this legislation. LOPD noted that the legislation is unnecessary as there are crimes on the books already that address this crime, and that this bill would swallow the present statutory scheme for trafficking; additionally, mere possession of a firearm is not significant enough for the penalties in the bill.

**Bill:** HB96  
**Sponsors:** Romero, A. (D46)  
**Title:** CRIMINAL RECORDS AND PUBLIC EMPLOYMENT OR LICENSURE  
**Summary:** (Related to 2019 HB382 and SB385) Amends the Criminal Offender Employment Act to expand the list of criminal records that shall not be considered in an application for public employment, license, permit or other authority; adds a conditioned prohibition against exclusion from licensure for previous convictions.  
**Subjects:** Criminal Code; Business, Manufacturing and Economic Development; Civil Rights  
**Related:** 2019:HB382; 2019:SB385  
**Progress:** 2nd House: Referred to Committee  
**Status:** 03/05/2021 – Senate Judiciary Committee  
**History:** 01/15/2021—H Prefiled in the House. 01/19/2021—H Introduced and referred to House Labor, Veterans' & Military Affairs. 01/19/2021—H Also referred to House State Government, Elections & Indian Affairs. 02/04/2021—H Reported Do Pass by House Labor, Veterans' & Military Affairs. 02/25/2021—H Reported Do Pass as amended by House State Government, Elections & Indian Affairs. 03/04/2021—H Opened for floor debate. 03/04/2021—H Note: (Floor Amendment 1) (Rep. Lane) Tabled (40-25). 03/04/2021—H Floor amendments adopted (Amendment 1) (Rep. Ryan Lane) Voice Vote. 03/04/2021—H Passed 55-12. 03/05/2021—S Received in the Senate and referred to Senate Judiciary.  
**Comments:** No action was taken on this legislation.

**Bill:** HB102  
**Sponsors:** Chasey (D18)

**Title:** VIOLENCE INTERVENTION PROGRAM ACT  
**Summary:** (Similar to 2020 HB301) Would create the Violence Intervention Program Act and a Firearm Injury and Death Review Committee along with a fund meant to reduce violence in New Mexico.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Health and Medical Practice; Indians; Municipalities/City Government; Public Safety and Corrections  
**Related:** 2020:HB301  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/28/2021 – House Appropriations and Finance Committee  
**History:** 01/15/2021—H Prefiled in the House. 01/19/2021—H Introduced and referred to House Judiciary. 01/19/2021—H Also referred to House Appropriations & Finance. 01/28/2021—H Reported Do Pass by House Judiciary.  
**Comments:** The committee voted unanimously to table this bill. NMSC noted that there was no compensation indicated to the Commission for the duties required of it under the bill. AODA and LOPD both noted the need for funding to NMSC were this bill to pass.

**Bill:** HB114  
**Sponsors:** Cadena (D33)  
**Title:** 'SIMPLE POSSESSION' EXCLUDED FROM HABITUAL OFFENDER PENALTIES  
**Summary:** Changes the Criminal Justice Code to exclude "simple possession" of drugs from the definition of "prior felony conviction," thereby excluding minor drug possession charges from becoming a factor that could make the sentence for a subsequent, unrelated felony conviction more severe.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/08/2021 – Senate Judiciary Committee  
**History:** 01/19/2021—H Introduced and referred to House Consumer & Public Affairs. 01/19/2021—H Also referred to House Judiciary. 02/02/2021—H Reported Do Pass by House Consumer & Public Affairs. 02/09/2021—H Reported Do Not Pass but Do Pass as substituted by House Judiciary. 02/28/2021—H Opened for floor debate. 02/28/2021—H Note: (Floor Amendment 1) (Rep. Lane) Tabled (45-25). 02/28/2021—H Note 2: (Floor Amendment 1) (Rep. Rehm) Tabled (44-23). 02/28/2021—H Passed 45-25. 03/02/2021—S Received in the Senate and referred to Senate Health and Public Affairs. 03/02/2021—S Also referred to Senate Judiciary. 03/08/2021—S Reported Do Pass as amended by Senate Health and Public Affairs.  
**Comments:** The committee voted not to support this legislation, as the habitual offender statute is a tool often used to obtain pleas, and that there were concerns about introducing discretion, by a vote of 6-4 (LOPD, AOC, and two public members against), with CYFD and Magistrate Judge abstaining. LOPD noted that judicial discretion allows judges to evaluate each case on the merits, and that substance abusers in particular are likely to re-offend because of their addiction. AODA noted that they were not necessarily opposed to the provision in the bill regarding simple possession exclusion.

**Bill:** **HB119**  
**Sponsors:** Alcon (D6)  
**Title:** CHANGES IN TRAFFIC CITATIONS AND PENALTY ASSESSMENT MISDEMEANORS  
**Summary:** (State agency bill) Makes a series of revisions to traffic laws, particularly to handling related receipts and upgrading the legal status of the uniform traffic citation.  
**Subjects:** Higher Education; Courts and Civil Matters; Municipalities/City Government; Transportation; State Affairs and State Agencies; Taxation, Fees and Audits  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/08/2021 – Senate Judiciary Committee  
**History:** 01/19/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/19/2021—H Also referred to House Judiciary.  
 01/28/2021—H Reported Do Pass by House Consumer & Public Affairs.  
 02/16/2021—H Reported Do Pass as amended by House Judiciary.  
 02/23/2021—H Opened for floor debate.  
 02/23/2021—H Passed 67-0.  
 02/24/2021—S Received in the Senate and referred to Senate Health and Public Affairs.  
 02/24/2021—S Also referred to Senate Judiciary.  
 03/08/2021—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** The committee voted to support this legislation, as it is a customer service bill, clearing up confusion with traffic citations as sometimes they go to MVD, sometimes to a court, by a vote of 10-0, with LOPD and a public member abstaining. AOC noted that the bill would allow a motorist to decide up until the time of their court date to pay the time or go to court, and it ends suspension of a license for failure to pay. LOPD noted that bench warrants were still allowed for failure to appear for citations issued on campuses.

**Bill:** **HB140**  
**Sponsors:** Bash (D68)  
**Title:** REMOVAL OF MANDATORY MINIMUM SENTENCES: CHILD SEX CRIMES TO GAME & FISH VIOLATIONS (Related to 2020 HB33; 2019 HB103; 2019 HB307)  
**Summary:** Removes minimum mandatory sentences for sexual child abuse, restraining order violations and life imprisonment charges for the three-strikes-you're-out rule on violent felony convictions. Allows for deferred or suspended sentence for habitual misdemeanor violations of Game and Fish laws and rules.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Related:** 2019:HB103; 2019:HB307; 2020:HB33  
**Progress:** Introduced  
**Status:** 01/25/2021 – House Consumer and Public Affairs Committee  
**History:** 01/25/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
**Comments:** The committee voted not to support this legislation, as the bill is wide-sweeping, ranging across a variety of crimes from Game & Fish violations to the state's three strikes law, and seems to lack focus, by a vote of 10-0, with LOPD and two public members abstaining. AODA added that the bill would have a tremendous impact on the criminal justice process. LOPD noted that while they support the removal of mandatory sentencing,

it was unclear why this piecemeal approach was taken.

**Bill:** **HB142**  
**Sponsors:** Thomson (D24)  
**Title:** SEXUAL MISCONDUCT TASK FORCE AND POLICIES FOR SCHOOLS AND COLLEGES  
**Summary:** (Similar to 2019 HB113) Requires the Higher Education Department and all public and private postsecondary institutions that receive state scholarship funds to adopt detailed, trauma-informed policies and procedures for investigating allegations of sexual assault, domestic violence, dating violence and harassment or stalking. Creates a temporary statewide higher education Task Force on Sexual Misconduct through FY2023 to develop and disseminate a sexual misconduct climate survey, pursuant to rules promulgated by HED, that must be conducted biennially by the institutions. Amends the Public School Code to require the Public Education Department to develop similar policies and procedures for all schools, and modifies high school graduation requirements with a mandate for specific content about informed consent to sexual activity in health education courses required for graduation.  
**Subjects:** Higher Education; Schools and Teachers; State Affairs and State Agencies  
**Related:** 2019:HB113  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/05/2021 – Senate Judiciary Committee  
**History:** 01/25/2021—H Introduced and referred to House Health & Human Services.  
 01/25/2021—H Also referred to House Education.  
 02/09/2021—H Reported Do Pass by House Health & Human Services.  
 02/25/2021—H Reported Do Pass by House Education.  
 02/28/2021—H Opened for floor debate.  
 02/28/2021—H Passed 58-7.  
 03/02/2021—S Received in the Senate and referred to Senate Education.  
 03/02/2021—S Also referred to Senate Judiciary.  
 03/05/2021—S Reported Do Pass by Senate Education.  
**Comments:** No action was taken on this legislation.

**Bill:** **HB143**  
**Sponsors:** Dixon (D20); Kernan (R42); Lopez (D11); Jaramillo, Leo (D5)  
**Title:** VICTIM INTERVIEWS UNDER THE VICTIMS OF CRIME ACT  
**Summary:** Would allow child victims of violent crime (and victims identified as incapacitated by a court) to deny a court interview conducted or initiated by the defendant; lays out procedures for victim interviews to take place.  
**Subjects:** Criminal Code  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/09/2021 – House Judiciary Committee  
**History:** 01/25/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
 02/09/2021—H Reported Do Pass by House Consumer & Public Affairs.  
**Comments:** The committee voted not to support this legislation, as it is similar to laws passed in other states that have been found unconstitutional as



they affect due process rights, rights to discovery, and other rights, by a vote of 7-3 (AGO, AODA, and CYFD against), with NMCD and DPS abstaining. LOPD added that the bill would reduce the ability to conduct a defense, and that many cases are witness-heavy with little or no physical evidence. A public member added that the bill was an impermissible interference with the court's authority to regulate proceedings.

**Bill:** HB144  
**Sponsors:** Dixon (D20); Maestas (D16); Rehm (R31)  
**Title:** DAMAGE TO PROPERTY BY THEFT  
**Summary:** Adds new penalties to the Criminal Code related to criminal damage of property by theft or attempted theft of "regulated material" when the damage would cost more than \$2,500 to repair.  
**Subjects:** Criminal Code  
**Progress:** 2nd House: Referred to Committee  
**Status:** 03/03/2021 – Senate Judiciary Committee  
**History:** 01/25/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
 01/25/2021—H Also referred to House Appropriations & Finance.  
 02/09/2021—H Reported Do Pass as amended by House Consumer & Public Affairs.  
 02/11/2021—H Note: HCPAC Committee Report expunged and corrected version adopted..  
 02/18/2021—H Referral withdrawn from House Appropriations & Finance.  
 02/22/2021—H Reported Do Pass as amended by House Judiciary.  
 03/02/2021—H Opened for floor debate.  
 03/02/2021—H Passed 65-0.  
 03/03/2021—S Received in the Senate and referred to Senate Judiciary.  
 03/03/2021—S Also referred to Senate Finance.  
**Comments:** No action was taken on this legislation.

**Bill:** HB145  
**Sponsors:** Dixon (D20); Rehm (R31); Garratt (D29)  
**Title:** THE "CHOP SHOP" ACT  
**Summary:** (Similar to 2020 HB156; 2019 HB509) Would make a specific crime and penalty for illegally dismantling a stolen motor vehicle, to sell stolen vehicle parts or operate a business selling stolen parts, identified in the legislation as a "chop shop."  
**Subjects:** Criminal Code  
**Related:** 2019:HB509; 2020:HB156  
**Progress:** 2nd House: Referred to Committee  
**Status:** 03/01/2021 – Senate Judiciary Committee  
**History:** 01/25/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
 01/25/2021—H Also referred to House Appropriations & Finance.  
 02/04/2021—H Reported Do Pass by House Consumer & Public Affairs.  
 02/18/2021—H Reported Do Pass by House Judiciary.  
 02/18/2021—H Referral withdrawn from House Appropriations & Finance.  
 02/25/2021—H Opened for floor debate.  
 02/25/2021—H Floor amendments adopted (Amendment 1) (Rep. Meredith Dixon) Voice Vote.  
 02/25/2021—H Passed 68-0.  
 03/01/2021—S Received in the Senate and

referred to Senate Judiciary.  
 03/01/2021—S Also referred to Senate Finance.  
**Comments:** The committee voted to support this legislation, as it is a way to address the car theft issue in the state, by a vote of 9-2 (LOPD and a public member against), with AOC and a public member abstaining. LOPD stated that existing statutes can be used to address the chop shop issue, such as conspiracy, racketeering, or accessory to underlying crimes. A public member noted that chop shop-types of cases have been prosecuted successfully for decades. DPS stated that there are elements of existing law that would not reach chops shops in all instances. AODA noted that racketeering requires a pattern of conduct, and in certain cases there is only one incident, which means that racketeering could not be charged.

**Bill:** HB146  
**Sponsors:** Cadena (D33)  
**Title:** DISTRICT COURT AUTHORITY OVER MAGISTRATE COURTS  
**Summary:** Transfers administrative and budgetary duties over Magistrate Courts from the Administrative Office of the Courts to individual Judicial Districts. Creates supervisory authority for district courts over magistrate courts and authorizes the district court to employ and select clerical assistants for magistrates.  
**Subjects:** Courts and Civil Matters; Public Finance and Budgets; State Affairs and State Agencies; Taxation, Fees and Audits  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/24/2021 – Senate Health and Public Affairs Committee  
**History:** 01/25/2021—H Introduced and referred to House Local Government, Land Grants & Cultural Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
 02/04/2021—H Reported Do Pass by House Local Government, Land Grants & Cultural Affairs.  
 02/18/2021—H Reported Do Pass by House Judiciary.  
 02/23/2021—H Opened for floor debate.  
 02/23/2021—H Passed 64-3.  
 02/24/2021—S Received in the Senate and referred to Senate Health and Public Affairs.  
 02/24/2021—S Also referred to Senate Judiciary.  
**Comments:** The committee voted unanimously to support this legislation, as it is a catchup/cleanup bill to align statutes with certain Supreme Court orders related to court organization. AOC added that the changes in rule and in this bill are a result of a study conducted concerning more efficient practices.

**Bill:** HB151  
**Sponsors:** Bash (D68)  
**Title:** BRIDGES ACROSS NEW MEXICO BEHAVIORAL HEALTH CONSORTIUM  
**Summary:** Directs the Human Services Department to convene a Bridges Across New Mexico Behavioral Health Consortium to address treatment of substance use disorders, mental health issues, and homelessness. Appropriates \$50,000 (GF) to the Human Services Department for use in FY2023 to develop an action plan to present to the Department and the Legislature.  
**Subjects:** Health and Medical Practice; Human Services; Appropriations; State Affairs and State Agencies;

**Progress:** Courts and Civil Matters; Schools and Teachers  
**Status:** 1st House: Reported from Committees  
 03/01/2021 – House Appropriations and Finance Committee  
**History:** 01/25/2021—H Introduced and referred to House Health & Human Services.  
 01/25/2021—H Also referred to House Appropriations & Finance.  
 03/01/2021—H Reported Do Not Pass but Do Pass as substituted by House Health & Human Services.  
**Comments:** The committee voted unanimously to support this legislation, as it is overdue for the state to address the issues of behavioral health needs, treatment needs, and the like in the state.

**Bill:** **HB156**  
**Sponsors:** Barreras (I12)  
**Title:** CRIMINAL SEXUAL PENETRATION BY A PEACE OFFICER ON DETAINED PERSON  
**Summary:** Amends Sec. 30-9-11 of the Criminal Code to address rape by a peace officer on a person in custody. Specifically, the bill provides that criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated by a peace officer on a suspect, victim, witness or detained person in the care or custody of any peace officer.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/04/2021 – House Calendar  
**History:** 01/25/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
 02/25/2021—H Also referred to House Appropriations & Finance.  
 02/04/2021—H Reported Do Pass by House Consumer & Public Affairs.  
 03/01/2021—H Reported Do Pass as amended by House Judiciary.  
 03/04/2021—H Reported Do Pass by House Appropriations & Finance.  
**Scheduled:** 03/09/2021—House Calendar, 2:30 p.m., Virtual  
**Comments:** The committee voted to support this legislation, as the crime is analogous to the existing statute concerning corrections officials and prisoners, by a vote of 9-0, with AOC, LOPD, and two public members abstaining. LOPD stated that there is an appellate case addressing the corrections statute; a ruling in that case would likely impact this statute as well.

**Bill:** **HB161**  
**Sponsors:** Lane (R3)  
**Title:** AFFIRMATIVE DEFENSE FOR VICTIMS OF HUMAN TRAFFICKING  
**Summary:** Permits a person charged with prostitution to assert an affirmative defense that the person is a victim of human trafficking if the offense was committed as a direct result of the actions of a person charged with human trafficking.  
**Subjects:** Criminal Code; Indians; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/09/2021 – House Judiciary Committee  
**History:** 01/25/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
 02/09/2021—H Reported Do Pass by House

**Comments:** Consumer & Public Affairs.  
 HB 161: The committee voted unanimously to table this legislation.

**Bill:** **HB166**  
**Sponsors:** Lujan (D48)  
**Title:** UNLAWFUL MANUFACTURE OR DISTRIBUTION OF FIREARMS  
**Summary:** Amends the Criminal Code to create new fourth degree felony firearms offenses: (1) manufacturing firearms by other than a licensed gun dealer or manufacturer; (2) use of a 3-D printer to produce firearms or components; (3) distribution of instructions for programming a 3-D printer to produce a firearm or component; (4) manufacturing or possessing a covert or undetectable firearm; (5) manufacturing a firearm without a unique serial number; (6) possessing a firearm frame or receiver without a serial number; and (7) possessing, selling or receiving a firearm or component produced in violation of any of the above. Contains definitions.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/11/2021 – House Judiciary Committee  
**History:** 01/25/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/25/2021—H Also referred to House Judiciary.  
 01/25/2021—H Also referred to House Appropriations & Finance.  
 02/11/2021—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.  
**Comments:** No action was taken on this legislation. DPS noted that they agree with 99% of the bill, but they would like to see the language amended so that law enforcement, who at times need to construct firearms parts or assemble weapons, are excluded.

**Bill:** **HB178**  
**Sponsors:** Johnson (D5)  
**Title:** DELAY SUNSET OF COUNSELING AND THERAPY PRACTICE BOARD  
**Summary:** Amends definitions in the Counseling and Therapy Practice Act to expand education and experience requirements for licensure as an alcohol and drug abuse counselor. Delays until July 1, 2027 the sunset date on the Counseling and Therapy Practice Board, with a repeal date of July 1, 2028 unless later extended.  
**Subjects:** Health and Medical Practice; Business, Manufacturing and Economic Development; State Affairs and State Agencies  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/08/2021 – Senate Tax, Business and Transportation Committee  
**History:** 01/25/2021—H Introduced and referred to House Health & Human Services.  
 01/25/2021—H Also referred to House State Government, Elections & Indian Affairs.  
 02/11/2021—H Reported Do Pass by House Health & Human Services.  
 02/22/2021—H Reported Do Pass by House State Government, Elections & Indian Affairs.  
 02/26/2021—H Opened for floor debate.  
 02/26/2021—H Passed 67-0.  
 03/02/2021—S Received in the Senate and referred to Senate Health and Public Affairs.

03/02/2021—S Also referred to Senate Tax, Business & Transportation.  
 03/08/2021—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** No action was taken on this legislation.

**Bill:** HB183  
**Sponsors:** Montoya, Roger (D40)  
**Title:** JUVENILE OFFENDER COURT FEES WAIVED  
**Summary:** Eliminates certain fines and fees for crimes committed by juveniles.  
**Subjects:** Higher Education; Courts and Civil Matters; Family and Juveniles  
**Progress:** 2nd House: Referred to Committee  
**Status:** 03/03/2021 – Senate Judiciary Committee  
**History:** 01/28/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/28/2021—H Also referred to House Judiciary.  
 02/25/2021—H Reported Do Pass by House Judiciary.  
 03/01/2021—H Opened for floor debate.  
 03/01/2021—H Passed 66-0.  
 03/03/2021—S Received in the Senate and referred to Senate Judiciary.  
**Comments:** The committee took no action on this bill as it is one of the NMSC pieces of legislation, and was supported by the Commission.

**Bill:** HB185  
**Sponsors:** McQueen (D50); Stefanics (D39)  
**Title:** JURY SERVICE EXEMPTION FOR PERSONS OVER 75  
**Summary:** (Identical to 2019 SB174; similar to 2020 SB187) Modifies Sec. 38-5-2 to provide for persons over 75 to request an exemption from jury duty rather than being required to submit an affidavit in support of the request. In earlier years, a similar measure was endorsed by the Courts, Corrections and Justice Committee and the AOC offered that the requirement to provide a notarized affidavit was cumbersome on aging populations who may have health, financial, transportation and other issues that make it difficult to generate an affidavit.  
**Subjects:** Courts and Civil Matters; Aging; Civil Rights  
**Related:** 2019:SB174  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/04/2021 – Senate Judiciary Committee  
**History:** 01/28/2021—H Introduced and referred to House Judiciary.  
 02/02/2021—H Reported Do Pass by House Judiciary.  
 02/12/2021—H Opened for floor debate.  
 02/12/2021—H Passed 67-0.  
 02/17/2021—S Received in the Senate and referred to Senate Health and Public Affairs.  
 02/17/2021—S Also referred to Senate Judiciary.  
 03/04/2021—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** The committee voted unanimously to support this legislation, as the removal of the affidavit requirement was unanimously approved in the last Legislative Session by both chambers, but unfortunately was pocket vetoed.

**Bill:** HB187  
**Sponsors:** Rehm (R31)  
**Title:** DUI AND IGNITION INTERLOCK FOR CERTAIN DRUGS  
**Summary:** (Identical to 2020 HB38, 2019 HB317, 2018 HB39

and 2017 HB22) Sets specific standards in the state’s DUI laws regarding drugs. It is unlawful for a person under the influence of any drug to drive a vehicle within the state. Prohibits driving with certain amounts of specified controlled substances or metabolites in the blood. Clarifies that the ignition interlock requirement only applies to offenders with alcohol concentration in their blood or breath. Increases eighth or subsequent DUI conviction to a second-degree felony. Modifies DUI laws by adopting uniform references to “unlawful alcohol,” “controlled substance,” and “controlled substance metabolite” concentrations in the driver’s blood or breath.

**Subjects:** Public Safety and Corrections; Criminal Code; Transportation  
**Related:** 2017:HB22; 2018:HB39; 2019:HB317; 2020:HB38  
**Progress:** Introduced  
**Status:** 01/28/2021 – House Consumer and Public Affairs Committee  
**History:** 01/28/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/28/2021—H Also referred to House Judiciary.  
**Comments:** The committee voted not to support this legislation, as the science does not exist to enforce the legislation, by a vote of 6-1 (AODA against), with DPS, AGO, Magistrate Judge, CYFD, and a public member abstaining.

**Bill:** HB191  
**Sponsors:** Cadena (D33); Maestas (D16); Chasey (D18)  
**Title:** CORRECTIONS OMBUDSMAN ACT  
**Summary:** The Corrections Ombudsman Act that would assist in bolstering internal policies meant to reduce the likelihood of negative impacts on inmates health, safety, welfare and rehabilitation (and lessen lawsuits stemming from those issues). It makes a \$250,000 appropriation (GF) to the Legislative Finance Committee for FY 2022 to implement the act.  
**Subjects:** Public Safety and Corrections; Legislature  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/08/2021 – House Calendar  
**History:** 01/28/2021—H Introduced and referred to House Judiciary.  
 01/28/2021—H Also referred to House Appropriations & Finance.  
 02/11/2021—H Reported Do Pass by House Judiciary.  
 03/08/2021—H Reported Do Pass as amended by House Appropriations & Finance.  
**Scheduled:** 03/09/2021—House Calendar, 2:30 p.m., Virtual  
**Comments:** The committee voted to table this legislation, as it is a complicated piece of legislation that needs more study, by a vote of 9-2 (DPS and NMCD against), with AOC and a public member abstaining. On 9 Feb 21 the committee revisited this bill. After discussion, the committee voted to table this legislation again, as NMCD is working with the bill sponsors to make significant changes in it, by a vote of 10-3 (LOPD and two public members against). A public member stated that he supported the bill, and invited a guest to discuss the particulars – the guest discussed various oversight mechanisms for corrections departments, the need for sunshine in prison systems, the need for an oversight body to have access and be independent of the Executive; the guest also noted that under this legislation the ombudsperson would not have power, which is a disadvantage, and that

the Executive could ignore any recommendations; the guest further noted that oversight like that outlined in the bill would save money for the state in the long run. NMCD stated that while they did not oppose oversight, the bill as drafted did not create a true ombudsperson, that a problem with the bill was that the ombudsperson reports to the LFC Director rather than being an impartial agent, that the bill would promote rather than prevent litigation, and that the bill as drafted would place a large administrative burden on the department.

**Bill:** HB193  
**Sponsors:** Ely (D23); Garratt (D29)  
**Title:** ROLE OF POLICE AND DA IN EXTREME RISK FIREARM PROTECTION  
**Summary:** Amends the Extreme Risk Firearm Protection Order Act to establish when a law enforcement officer may act as the reporting party who initiates a request for a petition for an extreme risk firearm protection order. Requires a law enforcement officer or agency to take possession of all firearms subject of such an order if they are surrendered, in plain view, or discovered pursuant to a lawful search. Changes provisions for reporting of such orders. Prohibits use in any criminal proceeding of evidence establishing possession or ownership of a firearm obtained in an extreme risk hearing. Prohibits a person subject to an extreme risk order from acquiring a new firearm until the order expires.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Criminal Code; Family and Juveniles; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/23/2021 – House Calendar  
**History:** 01/28/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/28/2021—H Also referred to House Judiciary.  
 02/16/2021—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.  
 02/23/2021—H Reported Do Pass by House Judiciary.  
**Scheduled:** 03/09/2021—House Calendar, 2:30 p.m., Virtual  
**Comments:** The committee voted to support this legislation, as the Act as written defines district attorneys as law enforcement, and thus they are required to take possession of weapons when they have no process to do so, by a vote of 9-0, with LOPD, AOC, and two public members abstaining.

**Bill:** HB201  
**Sponsors:** Cadena (D33)  
**Title:** AUTOMATIC PROBATION RELEASE FOR MINIMUM- OR MEDIUM- RISK DEFENDANTS  
**Summary:** Allows a minimum or medium risk defendant to be released from probation under certain circumstances by amendment to Sec. 31-20-5 specifying that: a defendant shall automatically be released from probation if classified as a minimum or medium level risk by a validated scoring instrument; has met all the obligations of probation; and has completed one-half or more of the period of probation.  
**Subjects:** Criminal Code; Family and Juveniles; Courts and Civil Matters  
**Progress:** 2nd House: Referred to Committee  
**Status:** 03/05/2021 – Senate Judiciary Committee

**History:** 01/28/2021—H Introduced and referred to House Consumer & Public Affairs.  
 01/28/2021—H Also referred to House Judiciary.  
 02/16/2021—H Reported Do Pass by House Consumer & Public Affairs.  
 03/01/2021—H Reported Do Pass by House Judiciary.  
 03/04/2021—H Opened for floor debate.  
 03/04/2021—H Note: (Floor Amendment 1) (Rep. Lane) Tabled (40-24).  
 03/04/2021—H Passed 64-1.  
 03/05/2021—S Received in the Senate and referred to Senate Judiciary.

**Comments:** The committee voted to support this legislation, as there is no purpose of keeping low and medium offenders on supervision for an unnecessarily long time if they have met their obligations, by a vote of 12-0, with AGO abstaining. NMCD added that it would remove some of the burden from the court system and allow these offenders to do better after release.

**Bill:** HB205  
**Sponsors:** Thomson (D24)  
**Title:** BANS FLAVORED TOBACCO PRODUCTS  
**Summary:** (Largely identical to 2020 HB54 and SB91; 2019 HB260, HB54, SB68 and SB343) (For the Tobacco Settlement Revenue Oversight Committee) Makes unlawful (1) the knowing sale, offer to sell, barter or gift of a flavored tobacco product to a person, or (2) purchasing, possessing, or attempting to purchase or possess any flavored tobacco product.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Business, Manufacturing and Economic Development; Courts and Civil Matters; Criminal Code  
**Related:** 2019:HB260; 2019:HB54; 2019:SB68; 2020:HB54; 2020:SB91  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/22/2021 – House Commerce and Economic Development Committee  
**History:** 01/28/2021—H Introduced and referred to House Health & Human Services.  
 01/28/2021—H Also referred to House Commerce & Economic Development.  
 02/22/2021—H Reported Do Pass as amended by House Health & Human Services.  
**Comments:** No action was taken on this legislation.

**Bill:** HB208  
**Sponsors:** Romero, A. (D46); Stansbury (D28); Lente (D65)  
**Title:** MISSING & MURDERED INDIGENOUS WOMEN TASK FORCE  
**Summary:** Extends the life of and appropriates \$50,000 (GF) to the Indian Affairs Department for use in FYs 2021 and 2022 to pay expenses incurred by the Missing and Murdered Indigenous Women Task Force. The task force is required to report a summary of its work, policy recommendations and any additional findings to the Governor, Legislative Council Service Library and the appropriate interim legislative committee before November 1, 2021.  
**Subjects:** Appropriations; Indians; State Affairs and State Agencies; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/09/2021 – House Appropriations and Finance Committee  
**History:** 01/28/2021—H Introduced and referred to House State Government, Elections & Indian Affairs.  
 01/28/2021—H Also referred to House

Appropriations & Finance.  
02/09/2021—H Reported Do Pass by House State Government, Elections & Indian Affairs.

**Comments:** No action was taken on this legislation.

**Bill:** HB226  
**Sponsors:** Bash (D68)  
**Title:** GRAND JURY TARGETS, DATES AND EVIDENCE  
**Summary:** Makes a substantial change to the conduct and review of grand jury proceedings and gives the district court the authority to dismiss an indictment upon a finding that the evidence presented to a grand jury was legally insufficient or the target's rights were violated. Expands a target's rights to essential facts, notice, and furnishing counter evidence to the grand jury. All changes take place by amendments to a single section of law, 31-6-11.  
**Subjects:** Criminal Code; Civil Rights  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/25/2021 – House Calendar  
**History:** 02/02/2021—H Introduced and referred to House Consumer & Public Affairs.  
02/02/2021—H Also referred to House Judiciary.  
02/22/2021—H Reported Do Pass as amended by House Consumer & Public Affairs.  
02/25/2021—H Reported Do Pass by House Judiciary.  
**Scheduled:** 03/09/2021—House Calendar, 2:30 p.m., Virtual  
**Comments:** No action was taken on this legislation.

**Bill:** HB254  
**Sponsors:** Roybal Caballero (D13); Lopez (D11)  
**Title:** OFFICER USE-OF-FORCE REPORTING AND INVESTIGATION  
**Summary:** Creates a reporting process and assigns a prosecutor following a peace officer's deadly use of force resulting in great bodily harm or death and provides a process for independent investigation into the incident.  
**Subjects:** Criminal Code; Public Safety and Corrections; Civil Rights  
**Related:** 2021:SB227  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/25/2021 – House Judiciary Committee  
**History:** 02/04/2021—H Introduced and referred to House Consumer & Public Affairs.  
02/04/2021—H Also referred to House Judiciary.  
02/25/2021—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.  
**Scheduled:** 03/10/2021—House Judiciary Committee, 11:30 a.m., Virtual (Revised 03/09/2021)  
**Comments:** No action was taken on this legislation.

**Bill:** HB263  
**Sponsors:** Roybal Caballero (D13)  
**Title:** USES OF POLICE DEADLY FORCE REPORTING  
**Summary:** (Identical to SB274. Relates to HB254 and SB227). Creates a reporting mechanism and assignment of a prosecutor after a law enforcement officers use of deadly force resulting in great bodily harm or death.  
**Subjects:** Criminal Code; Civil Rights; County Affairs; Municipalities/City Government; Public Safety and Corrections  
**Related:** 2021:SB274; 2021:HB254; 2021:HB227  
**Progress:** 1st House: Referred to Committee

**Status:** 02/09/2021 – House Consumer and Public Affairs Committee  
**History:** 02/09/2021—H Introduced and referred to House Consumer & Public Affairs.  
02/09/2021—H Also referred to House Judiciary.  
**Comments:** No action was taken on this legislation.

**Bill:** HB273  
**Sponsors:** Chasey (D18)  
**Title:** REDRAFT CRIMINAL CODE  
**Summary:** (Endorsed by the Courts, Corrections and Justice Committee) Appropriates \$500,000 (GF) to the New Mexico Sentencing Commission for use in FY2022 and 2023 to redraft the Criminal Code and related statutes.  
**Subjects:** Criminal Code; Appropriations  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/18/2021 – House Appropriations and Finance Committee  
**History:** 02/11/2021—H Introduced and referred to House Judiciary.  
02/11/2021—H Also referred to House Appropriations & Finance.  
02/18/2021—H Reported Do Pass by House Judiciary.  
**Comments:** The committee took no action on this bill as it is one of the NMSC pieces of legislation, and was supported by the Commission.

**Bill:** HB276  
**Sponsors:** Harper (R57)  
**Title:** CRIME OF TARGETED RESIDENTIAL PICKETING  
**Summary:** A new section of the Criminal Code would make it a misdemeanor crime for a person to picket a targeted residence. Targeted residential picketing consists of picketing that is specifically directed or focused toward a person and takes place within 100 feet of that person's residence. Convicted violators would be subject to sentencing under provisions of Sec. 31-19-1 of the code.  
**Subjects:** Criminal Code  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/22/2021 – House Judiciary Committee  
**History:** 02/11/2021—H Introduced and referred to House Consumer & Public Affairs.  
02/11/2021—H Also referred to House Judiciary.  
02/22/2021—H Reported Do Pass by House Consumer & Public Affairs.  
**Scheduled:** 03/10/2021—\*BILL REMOVED\* House Judiciary Committee, 11:30 a.m., Virtual (Revised 03/09/2021)  
**Comments:** No action was taken on this legislation. LOPD stated that the proposed statute has constitutional issues due to its vagueness, and they cannot support it in its current form.

**Bill:** HB286  
**Sponsors:** Maestas (D16)  
**Title:** MOVING POLICE CERTIFICATION TO RLD AND REPEALING LICENSE APPEALS PROCESS  
**Summary:** HJC substitute for HCPAC substitute for HB286 makes a significant change to the provisions of the bill, while maintaining to some degree its original intention. Instead of transferring certain responsibilities from the Law Enforcement Academy Board to the Regulation and Licensing Department, this substitute creates the Law Enforcement Certification Board, which is given authority over

certification suspensions, revocations, and reinstatements. It also changes the composition of the Law Enforcement Academy Board and amends the powers and duties of its Director. All references to the Regulation and Licensing Department and the Uniform Licensing Act have been stricken from this substitute. As did earlier versions of the bill, it eliminates the Public Safety Advisory Commission and repeals the Police Officers' Employer-Employee Relations Act.

**Subjects:** Public Safety and Corrections; State Affairs and State Agencies  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/08/2021 – House Calendar  
**History:** 02/16/2021—H Introduced and referred to House Consumer & Public Affairs.  
 02/16/2021—H Also referred to House Judiciary.  
 02/25/2021—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.  
 03/08/2021—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.

**Scheduled:** 03/09/2021—House Calendar, 2:30 p.m., Virtual  
**Comments:** The committee voted not to support this legislation, as the legislation would impact NM State Police officers in ways that no one else is impacted, especially concerning the right of appeal, by a vote of 5-0, with AOC, AGO, CYFD, LOPD, and two public members abstaining. DPS added that it was possible that in the drafting process it was not understood how certification presently works; in addition, PSAC is an advisory board, and does not have anything to do with certification, so it is unclear why it is being abolished. AODA stated that it seemed that the bill does not properly address what it intended to accomplish.

**Bill:** **HB293**  
**Sponsors:** Brown (R55); Lord (R22); Rehm (R31); Black (R51)  
**Title:** INCREASING PENALTIES FOR CRIMINAL SEXUAL OFFENSES AGAINST MINORS  
**Summary:** (Conflicts with HB140) Increases mandatory minimum sentences for certain criminal sexual offenses against children and increases mandatory minimum tier for habitual offenders.  
**Subjects:** Criminal Code; Family and Juveniles  
**Related:** 2021:HB140  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/18/2021 – House Consumer and Public Affairs Committee  
**History:** 02/18/2021—H Introduced and referred to House Consumer & Public Affairs.  
 02/18/2021—H Also referred to House Judiciary.  
 02/18/2021—H Also referred to House Appropriations & Finance.  
**Comments:** The committee voted not to support this legislation, as it restructures these laws with no evidence behind it that it would lead to fewer crimes, by a vote of 4-2 (AODA and AGO against), with AOC, CYFD, NMCD, and a public member abstaining. LOPD added that as NMSC might get \$500,000 to redraft the states criminal statutes, any modifications to these statutes should be considered under that

**Bill:** **HB305**  
**Sponsors:** Harper (R57)  
**Title:** BEHAVIORAL HEALTH TREATMENT FOR MINORS

**Summary:** DEEMED INCOMPETENT TO STAND TRIAL Requires the Human Services Department to contract services to help juvenile offenders deemed incompetent to stand trial; allows juvenile treatment in lieu of incarceration in certain cases; repeals conflicting sections of law.  
**Subjects:** Human Services; Family and Juveniles; Courts and Civil Matters; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/18/2021 – House Health and Human Services Committee  
**History:** 02/18/2021—H Introduced and referred to House Health & Human Services.  
 02/18/2021—H Also referred to House Judiciary.  
**Comments:** The committee voted unanimously not to support this legislation, as there are a number of issues with the bill. CYFD added that the bill seems to be working from the supposition that all competency cases can be treated to competency, which isn't the case; it does not address all of the reasons youth could be incompetent; it does not address medical necessity or Medicaid funding; and they noted that there is very little residential treatment in the state, which could lead to many out of state placements, contrary to best practices. A public member stated that he shared CYFD's concerns. LOPD stated that how the legislation is structured would allow for extremely lengthy potential commitments, especially compared to the adult system – a child could be held for a treatment commitment from age 12 for six years; they added that the bill is addressing delinquent children, not youthful offenders or serious youthful offenders.

**Bill:** **HB306**  
**Sponsors:** Lord (R22)  
**Title:** CONCEALED HANDGUN LICENSE DECISION TIME LIMIT  
**Summary:** Amends the Concealed Handgun Carry Act to require that the Department of Public Safety shall issue or deny an application for a concealed handgun license within 90 days of receiving the completed application; and within 60 days after submission of materials to renew a license.  
**Subjects:** Alcohol, Firearms and Tobacco Products; State Affairs and State Agencies; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/25/2021 – House Judiciary Committee  
**History:** 02/18/2021—H Introduced and referred to House Consumer & Public Affairs.  
 02/18/2021—H Also referred to House Judiciary.  
 02/25/2021—H Reported Do Pass by House Consumer & Public Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** **HB307**  
**Sponsors:** Lord (R22)  
**Title:** LAW ENFORCEMENT IMMUNITY RESTORED FOR NEGLIGENT SPOILIATION OF EVIDENCE  
**Summary:** HB307 proposes to do away with existing law that provides that the immunity granted to law enforcement officers acting within the scope of their duties, under the Tort Claims Act, does NOT apply to liability for the independent tort of negligent spoliation of evidence or the independent tort of intentional spoliation of evidence, or the failure to comply with duties established pursuant to statute or law. The existing exemption from

**Subjects:** immunity became effective in 2020 and HB307 would restore that immunity to law enforcement officers acting within the scope of their duties. Civil Rights; Courts and Civil Matters; Insurance; State Affairs and State Agencies; County Affairs; Municipalities/City Government

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

**Status:** 02/18/2021 – House Consumer and Public Affairs Committee

**History:** 02/18/2021—H Introduced and referred to House Consumer & Public Affairs. 02/18/2021—H Also referred to House Judiciary.

**Comments:** The committee voted unanimously to table this legislation, as there are revisions that need to be made to the legislation. DPS stated that while there needs to be flexibility for unintentional mechanical error with the use of body cameras, for instance, intentional interfering was a different matter; they added that the only provision with which they had concern was the removal of intentional spoliation of evidence. LOPD also expressed concerns with the removal of intentional spoliation of evidence.

**Bill:** HB352

**Sponsors:** Serrato (D45)

**Title:** PRIVATE DETENTION FACILITY MORATORIUM ACT

**Summary:** (Similar to 2021 HB40) Creates the Private Detention Facility Moratorium Act to remove authorization for any nongovernmental entity to operate a private detention facility, including juvenile detention; conditionally exempts private contracts in effect prior to the act's 2021 effective date; makes the operation of a private detention facility unlawful; prohibits public funding of privately operated detention facilities; provides for recommended termination of existing contracts based on inspection reports. Creates the Detention Facility Economic Development Assistance Fund and Detention Facility Displaced Worker Assistance Fund. Repeals existing sections of law governing private contracts and jail agreements.

**Subjects:** Labor; County Affairs; Municipalities/City Government; Criminal Code; State Affairs and State Agencies; ; Indians

**Related:** 2021:HB40

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

**Status:** 03/04/2021 – House Appropriations and Finance Committee

**History:** 02/18/2021—H Introduced and referred to House Consumer & Public Affairs. 02/18/2021—H Also referred to House Appropriations & Finance. 03/04/2021—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.

**Comments:** No action was taken on this legislation.

**Bill:** HB353

**Sponsors:** Dixon (D20)

**Title:** PENALTIES FOR RECEIVING STOLEN FIREARMS

**Summary:** Amends Criminal Code to add failing to verify whether a firearm was stolen before purchasing it to the existing list of penalties for receiving stolen property pursuant to Sec. 30-16-11. Receiving a stolen firearm (or failing to verify that it was stolen) would be subject to the same tiered list of penalties in statute, ranging from misdemeanor to felony charges depending on the value of the item

received.

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

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

**Status:** 02/18/2021 – House Consumer and Public Affairs Committee

**History:** 02/18/2021—H Introduced and referred to House Consumer & Public Affairs. 02/18/2021—H Also referred to House Judiciary.

**Comments:** The committee voted unanimously not to support this legislation, as there was no way for individuals to access the ATF database. AODA added that there was no way to enforce the statute. LOPD stated that the intent requirement is a problem, and what the proposed statute was trying to do was not possible; they added that it would be an easy crime for a DA to charge, and hard to defend.

**Bill:** HJR4

**Sponsors:** Rehm (R31)

**Title:** CA: CONDITIONS FOR DENIAL OF BAIL

**Summary:** Proposes to amend Article 2, Section 13 of the NM Constitution to remove from the courts and delegate solely to the Legislature the power to determine conditions for denial of bail; clarifies that bail may be denied if no release conditions will reasonably ensure the appearance of the person; and removes procedural directions for requesting court relief from requirement to post bond.

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

**Progress:** Introduced

**Status:** 01/19/2021 – House State Government, Elections and Indian Affairs Committee

**History:** 01/08/2021—H Prefiled in the House. 01/19/2021—H Introduced and referred to House State Government, Elections & Indian Affairs. 01/19/2021—H Also referred to House Judiciary.

**Comments:** The committee voted not to support this legislation, as AOC research and studies of the bail system since the constitutional revision was made and Court Rule changes went into effect show that the system is working, by a vote of 9-0, with AGO, DPS, NMCD, and CYFD abstaining. LOPD added that in the last quarter only 1 out of 5 cases have failed to find probable cause, and that expanding pretrial detention impinges on the presumption of innocence. AODA noted that in most districts, the DAs win almost all of the cases they bring to detain, in some districts all of the cases; and while there were some problems initially, it seems that the PDs and DAs now know how to work in the new system, so it would not be good to change it again.

**Bill:** HJR10

**Sponsors:** Sweetser (D32)

**Title:** CA: BASIS FOR BAIL DENIAL

**Summary:** Proposes to amend Art. 2, Sec. 13, of the Constitution to add flight risk and interference with the criminal process as circumstances under which bail may be denied; would also establish a rebuttable presumption of detention for offenses subject to a life sentence and provide additional rebuttable presumptions that could be established by law.

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

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

**Status:** 02/16/2021 – House State Government, Elections

**History:** and Indian Affairs Committee  
02/16/2021—H Introduced and referred to House State Government, Elections & Indian Affairs.  
02/16/2021—H Also referred to House Judiciary.

**Comments:** The committee voted unanimously not to support this legislation, as AOC research and studies of the bail system since the constitutional revision was made and Court Rule changes went into effect show that the system is working. LOPD added that the NM Supreme Court has a committee to address issues surrounding bail. AODA noted that this legislation was not run by the DAs, and that it would essentially scrap the present system and replace it with a new one, and that as all parties have figured out our new system, it is not the time to change it again.

**Bill:** HM13  
**Sponsors:** Romero, A. (D46)  
**Title:** NORTHERN N.M. LAW ENFORCEMENT AND FIRST RESPONDER TRAINING CENTER

**Summary:** Requests that the Secretary of Public Safety convene a working group to discuss the creation of a satellite law enforcement and first responder training center in northern New Mexico to address a lack of training opportunities and other needs in the area.

**Subjects:** Public Safety and Corrections; Courts and Civil Matters; County Affairs; Municipalities/City Government; Higher Education; Interim Studies and Interim Committees

**Progress:** 1st House: Referred to Committee  
**Status:** 02/18/2021 – House Judiciary Committee  
**History:** 02/18/2021—H Introduced and referred to House Judiciary.

**Comments:** The committee voted unanimously to table this legislation, as DPS has not had a chance to review it.

**Bill:** SB7  
**Sponsors:** Wirth (D25)  
**Title:** NO DRIVER'S LICENSE SUSPENSION FOR FAILURE TO APPEAR OR PAY

**Summary:** Amends the Motor Vehicle Code to remove failure to appear or failure to pay as grounds for driver's license suspension; reinstates licenses suspended for those reasons prior to July1, 2021 for drivers who are otherwise eligible to drive.

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

**Progress:** 2nd House: Referred to Committee  
**Status:** 03/05/2021 – House Judiciary Committee  
**History:** 01/19/2021—S Introduced and referred to Senate Judiciary.  
01/19/2021—S Also referred to Senate Finance.  
02/01/2021—S Reported Do Pass as amended by Senate Judiciary.  
03/04/2021—S Reported Do Pass as amended by Senate Finance.  
03/05/2021—S Opened for floor debate.  
03/05/2021—S Passed 34-6.  
03/05/2021—H Received in the House and referred to House Judiciary.

**Comments:** The committee voted to support this legislation, as 88% of license suspensions were for debt payment reasons and not due to dangerous driving, and passing this legislation would free up a great amount of law enforcement and court time, by a vote of 5-0, with AOC, AODA, DPS, AGO, NMCD,

and a public member abstaining. LOPD added that the issues around driver's license suspensions go back to the failure to appear and failure to pay issues, which are tied to policies around ability to pay and the inequities that ensue. Magistrate Judge noted that the bill could be improved by adding elements of discretion, and that the municipal judges had expressed concerns over the bill over removal of discretion.

**Bill:** SB10  
**Sponsors:** Lopez (D11); Wirth (D25)  
**Title:** DECRIMINALIZE ABORTION  
**Summary:** (Duplicate of 2021 HB7; identical to 2019 HB51, 2018 HB16 and 2017 HB473) Repeals sections of the Criminal Code that criminalize and provide penalties for performing abortions.

**Subjects:** Health and Medical Practice; Criminal Code; Family and Juveniles; Constitutional Issues and Amendments; Civil Rights  
2017:HB473; 2018:HB16; 2019:HB51

**Related:** Pamphlet Law  
**Progress:** 02/26/2021 – Signed by the Governor  
**Status:** 01/19/2021—S Introduced and referred to Senate Health and Public Affairs.  
01/19/2021—S Also referred to Senate Judiciary.  
02/01/2021—S Reported Do Pass by Senate Health and Public Affairs.  
02/10/2021—S Reported Do Pass by Senate Judiciary.  
02/11/2021—S Opened for floor debate.  
02/11/2021—S Floor amendments adopted (Amendment 1) (Sen. Peter Wirth) Roll Call 26-15.  
02/11/2021—S Floor amendments failed (Amendment 2) (Sen. William Sharer) Roll Call 16-25.  
02/11/2021—S Floor amendments failed (Amendment 2) (Sen. Gregg Schmedes) Roll Call 16-25.  
02/11/2021—S Note: Audio: (Amendment 2) (Sen. Gregg Schmedes) Roll Call 16-25.  
02/11/2021—S Floor amendments failed (Amendment 2) (Sen. David Gallegos) Roll Call 15-27.  
02/11/2021—S Note 2: Audio: (Amendment 2) (Sen. David Gallegos) Roll Call 15-27.  
02/11/2021—S Floor amendments failed (Substitute 1) (Sen. Crystal Diamond) Roll Call 15-27.  
02/11/2021—S Note 3: Audio: (Substitute 1) (Sen. Crystal Diamond) Roll Call 15-27.  
02/11/2021—S Passed 25-17.  
02/11/2021—H Received in the House and referred to House Judiciary.  
02/16/2021—H Reported Do Pass by House Judiciary.  
02/19/2021—H Opened for floor debate.  
02/19/2021—H Note: (Floor Amendment 1) (Rep. Brown) Ruled Out of Order.  
02/19/2021—H Note 2: (Floor Amendment 1) Out of Order ruling appealed.  
02/19/2021—H Note 3: Ruling of the Chair Upheld (41-24).  
02/19/2021—H Note 4: (Floor Amendment 1) (Rep. Dow) Tabled (44-25).  
02/19/2021—H Passed 40-30.  
02/24/2021—S Enrolled and engrossed.  
02/24/2021—S Signed by Officers of Senate.  
02/26/2021—G Signed by the Governor Laws



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**Comments:** No action was taken on this legislation.

**Bill:** SB13  
**Sponsors:** Ivey-Soto (D15)  
**Title:** CANNABIS REGULATION ACT  
**Summary:** (Related to 2020 SB115, HB160; 2019 HB356, SB577) Relates to the legalization, production, use, sale, taxation and licensure of commercial cannabis. Creates the Cannabis Regulation Act to regulate the commercial production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering and sale of cannabis and cannabis products. Provides for licensing fees. Creates the Cannabis Tax Act to impose a 20% sales tax on retail sales of nonmedical cannabis products, of which two-thirds (13 percent) is distributable to the state and one-third (35 percent) to the municipality or unincorporated portion of a county where the sale takes place.  
**Subjects:** Health and Medical Practice; Criminal Code; Business, Manufacturing and Economic Development; Agriculture and Ranching; Public Safety and Corrections; Environment and Pollution; Capital Outlay Requests  
**Related:** 2020:SB115; 2020:HB160; 2019:HB356; 2019:SB577  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/01/2021 – Senate Tax, Business and Transportation Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Tax, Business & Transportation. 02/01/2021—S Also referred to Senate Judiciary.

**Bill:** SB36  
**Sponsors:** Padilla (D14)  
**Title:** COURTROOM TESTIMONY FOR CHILD & TRAUMATIZED CRIME VICTIMS  
**Summary:** A new section of the Victims of Crime Act would allow a child or incapacitated adult to testify at a preliminary or criminal trial by remote video where the court finds that the person would (1) be traumatized in the presence of the defendant, (2) the level of emotional distress would be significant, and (3) the trauma suffered by in-person testimony would impair the person’s ability to communicate.  
**Subjects:** Criminal Code; Health and Medical Practice; Family and Juveniles; Courts and Civil Matters; Public Safety and Corrections  
**Progress:** Introduced  
**Status:** 01/19/2021 – Senate Judiciary Committee  
**History:** 01/19/2021—S Introduced and referred to Senate Judiciary. 01/19/2021—S Also referred to Senate Finance.  
**Comments:** The committee voted to support this legislation, as there is already a provision for child victims to testify by deposition, and this is an extension of that practice, by a vote of 8-4 (LOPD, AOC, and two public members against). AODA added that the bill does not impinge on the right to confrontation, it helps victims who have a hard time with defendants, and that in these times of Covid there have been many court processes moved to video. LOPD stated that this is far more than a mere extension of the video deposition rule; the bill does not just address victims, but any witnesses; and

existing rule covers the circumstances proponents of the bill want.

**Bill:** SB69  
**Sponsors:** Lopez (D11); Roybal Caballero (D13)  
**Title:** FELONY CHARGES FOR ABANDONING A CHILD WITH DISABILITIES  
**Summary:** Would make it a fourth degree felony to abandon a child with a disability and a first degree felony if the abandonment results in the child’s death or great bodily harm. Second and subsequent offenses would be considered a first degree felony.  
**Subjects:** Family and Juveniles  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/01/2021 – Senate Judiciary Committee  
**History:** 01/19/2021—S Introduced and referred to Senate Health and Public Affairs. 01/19/2021—S Also referred to Senate Judiciary. 01/19/2021—S Also referred to Senate Finance. 02/01/2021—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** The committee voted to support this legislation, as its intent is to protect the most vulnerable victims, by a vote of 7-1 (LOPD against), with AOC, CYFD, Magistrate Judge, and a public member abstaining. AGO added that the bill was prompted by a case out of Farmington. LOPD stated that while they understand the intent, there are already sentencing enhancements available through aggravating circumstances statutes.

**Bill:** SB81  
**Sponsors:** O’Neill (D13); Stapleton (D19)  
**Title:** RACIAL, GENDER AND SEXUAL ORIENTATION IMPACT STUDY  
**Summary:** Requires the New Mexico Sentencing Commission to study the racial impact of a bill that would create a new crime, alter sentencing guidelines or change the release date of incarcerated individuals.  
**Subjects:** Civil Rights; Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/01/2021 – Senate Finance Committee  
**History:** 01/19/2021—S Introduced and referred to Senate Judiciary. 01/19/2021—S Also referred to Senate Finance. 02/01/2021—S Reported Do Pass as amended by Senate Judiciary.  
**Comments:** The committee voted unanimously to table this bill, as at present the data does not exist in the state to fulfill the requirements of the legislation.

**Bill:** SB92  
**Sponsors:** Lopez (D11)  
**Title:** MISSING PERSON CONFIDENTIALITY  
**Summary:** Amends the Missing Persons Information and Reporting Act to require a law enforcement agency to keep information from a custodian or immediate family member about a missing person’s status and location if the missing person has been found and requests confidentiality.  
**Subjects:** Public Safety and Corrections; Civil Rights; Family and Juveniles  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/02/2021 – House Judiciary Committee  
**History:** 01/19/2021—S Introduced and referred to Senate Health and Public Affairs. 01/19/2021—S Also referred to Senate Judiciary.

02/01/2021—S Reported Do Pass by Senate Health and Public Affairs.  
 02/10/2021—S Reported Do Pass as amended by Senate Judiciary.  
 02/18/2021—S Opened for floor debate.  
 02/18/2021—S Floor amendments adopted (Amendment 1) (Sen. Cliff Pirtle) Voice Vote.  
 02/18/2021—S Passed 41-1.  
 02/22/2021—H Received in the House and referred to House Consumer & Public Affairs.  
 02/22/2021—H Also referred to House Judiciary.  
 03/02/2021—H Reported Do Pass by House Consumer & Public Affairs.

**Scheduled:** 03/10/2021—House Judiciary Committee, 11:30 a.m., Virtual (Revised 03/09/2021)

**Comments:** No action was taken on this legislation.

**Bill:** SB103  
**Sponsors:** Stewart (D17)  
**Title:** RESTRICT USE AND SALE OF NEONICOTINOID PESTICIDES  
**Summary:** Amends the Pesticide Control Act to make it unlawful in New Mexico to distribute, deliver, or transport neonicotinoid class pesticides; to use them on any property; or to sell any plant or seed treated with them, unless pursuant to one of seven identified exceptions. Requires Department of Agriculture (DOA) to adopt rules designating neonicotinoid pesticides as highly toxic to animals including humans and pollinators; to promulgate rules for certification of "private applicators" as defined; and to design mandatory training for pesticide dealers and others in the trade and a public education plan for pollinator health outreach and education. Redefines credentials required for all users of neonicotinoids. Requires NMSU Board of Regents to promulgate rules for continuing education for pesticide licensees or certificate holders. Use or supervising use of a neonicotinoid pesticide not subject of an exception is a violation and grounds for denial, suspension of a license, permit or certificate.  
**Subjects:** Higher Education; Health and Medical Practice; Business, Manufacturing and Economic Development; Energy Resources and Chemicals; Family and Juveniles; Agriculture and Ranching; Environment and Pollution  
**Progress:** 1st House: Passed  
**Status:** 03/08/2021 – Failed in the Senate  
**History:** 01/19/2021—S Introduced and referred to Senate Conservation.  
 01/19/2021—S Also referred to Senate Tax, Business & Transportation.  
 02/10/2021—S Reported Do Pass as amended by Senate Conservation.  
 03/05/2021—S Reported Do Pass as amended by Senate Tax, Business & Transportation.  
 03/08/2021—S Opened for floor debate.  
 03/08/2021—S Floor amendments adopted (Amendment 1) (Sen. Mimi Stewart) Roll Call 34-3.  
 03/08/2021—S Floor amendments adopted (Amendment 2) (Sen. Cliff Pirtle).  
 03/08/2021—S Note: Audio: (Amendment 2) (Sen. Cliff Pirtle).  
 03/08/2021—S Floor amendments adopted (Amendment 3) (Sen. Cliff Pirtle).  
 03/08/2021—S Note 2: Audio: (Amendment 3) (Sen. Cliff Pirtle).  
 03/08/2021—S Failed to pass 18-20.

**Comments:** No action was taken on this legislation.

**Bill:** SB105  
**Sponsors:** Rodriguez (D24)  
**Title:** FUNDS FOR LAW-ENFORCEMENT-ASSISTED DIVERSION  
**Summary:** Appropriates \$1 million (GF) to DFA's Local Government Division for use in FY2022 for operational support for law-enforcement-assisted diversion in Santa Fe (city and county), Rio Arriba County, Bernalillo County, and Dona Ana County.  
**Subjects:** Appropriations; Public Safety and Corrections; County Affairs; Municipalities/City Government; Health and Medical Practice; Human Services  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/01/2021 – Senate Finance Committee  
**History:** 01/19/2021—S Introduced and referred to Senate Judiciary.  
 01/19/2021—S Also referred to Senate Finance.  
 02/01/2021—S Reported Do Pass by Senate Judiciary.  
**Comments:** The committee voted unanimously to support this bill, as LEAD has been a successful program over the years. LOPD, AODA, and the Chair all expressed the desire that LEAD be expanded statewide, instead of only to the locales mentioned in the bill.

**Bill:** SB114  
**Sponsors:** O'Neill (D13)  
**Title:** MEDICAL AND GERIATRIC PAROLE PROCEDURES  
**Summary:** Amends the Probation and Parole Act to add parole procedures for geriatric, permanently incapacitated, and terminally ill inmates  
**Subjects:** Criminal Code; Aging; Public Safety and Corrections; Health and Medical Practice  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/08/2021 – House Calendar  
**History:** 01/19/2021—S Introduced and referred to Senate Health and Public Affairs.  
 01/19/2021—S Also referred to Senate Judiciary.  
 02/10/2021—S Reported Do Pass by Senate Health and Public Affairs.  
 02/17/2021—S Reported Do Pass by Senate Judiciary.  
 02/24/2021—S Opened for floor debate.  
 02/24/2021—S Passed 37-4.  
 02/25/2021—H Received in the House and referred to House Consumer & Public Affairs.  
 02/25/2021—H Also referred to House Judiciary.  
 03/02/2021—H Reported Do Pass by House Consumer & Public Affairs.  
 03/08/2021—H Reported Do Pass by House Judiciary.  
**Scheduled:** 03/09/2021—House Calendar, 2:30 p.m., Virtual  
**Comments:** The committee took no action on this bill as it is one of the NMSC pieces of legislation, and was supported by the Commission.

**Bill:** SB141  
**Sponsors:** Duhigg (D10)  
**Title:** TECHNICAL PAROLE, PROBATION VIOLATION SANCTIONS  
**Summary:** Imposes statewide procedures and sanctions for technical violations of probation and parole and creates escalating sanctions before incarceration.  
**Subjects:** Criminal Code; Public Safety and Corrections; Courts and Civil Matters

**Progress:** 1st House: Reported from Committees  
**Status:** 02/11/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/11/2021—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** The committee voted to table this legislation, as AODA was in discussion with LOPD about possible changes to the bill, by a vote of 10-3 (LOPD and two public members against). LOPD noted that the bill at its core tried to capture the consensus that was reached about an approach to probation and parole reform in the NMSC Reform Committee in 2019; that the bill codifies statewide the Steps program, and would only incarcerate people after the steps are completed; that some changes had already been made to the bill after input from the DAs, NMCD, and AGO, which resulted in certain language that LOPD did not necessarily agree with but that was necessary for compromise; that treatment was an important component; and that there was language in the bill that allowed a discussion of safety when considering whether a violation was a technical or standard violation. NMCD stated that in 2015, NMCD re-evaluated the 30-60-90 program and realized it was hurting people; that even the short jail times of 3 and 5 days in the bill were harmful to people; that there was a need to be able to meet people at their needs rather than a one size fits all policy; and that while they support the ideas behind the bill, they cannot support it in this form. SB 141: On 16 Feb 21 the committee revisited this bill. After discussion, the committee voted to table this legislation again, as NMCD was still vetting possible amendments to the bill, by a vote of 9-3 (LOPD and two public members against). The committee will take SB141 up again at its next meeting.

On 23 Feb, the committee revisited this bill. A motion not to support this legislation failed by a vote of 3-3 (LOPD and two public members against), with Chair, AOC, AODA, and CYFD abstaining. NMCD stated that they appreciated the collaborative work done at the NMSC on geriatric & medical parole and fines & fees, and they would have liked to have worked through that same process on this legislation, as it requires a thoughtful process; they are concerned that the bill would limit the ability of probation and parole officers (PPO) to work with offenders, and there was a concern with short term detention provisions; additionally, they were concerned with the limits to 30- and 90-day custody provisions, when they would like different options for people who commit technical violations repeatedly; they are also concerned with how sex offenders would be handled, or situations when someone arrives at a meeting with their PPO and were evidently under the influence; they also had concerns with the definition of absconding, particularly how they get in touch with someone for a 2nd or 3rd absence when they missed their first; the bill also does not account for different levels of supervision that might be needed for an offender – for someone who is high risk or has high needs, missing just one appointment would be significant; additionally, they stated they heard from NM Counties that the bill would transfer a significant number of prisoners from NMCD to jails, with the consequent fiscal

burden. LOPD stated that they have been trying to meet with NMCD to discuss the bill; many issues NMCD has raised seem to be due to a misreading of the legislation; they stated that the bill is the result of stakeholder consensus through the NMSC, as it captures the spirit of where the Reform Committee left its discussion of probation and parole in 2019, though the details of that consensus were never hammered out; this bill represents the request to LOPD to draft something modelled on the Steps program used in certain counties; the stated that the bill incorporates the concerns of the AGO and the DAs, and their amendments were included, so they now support the legislation; they added that the legislation would not limit a PPO's ability to work with offenders, that NMCD can still have their policies around absconding, and that there was specific language in the bill concerning special categories of offenders, like sex offenders. AOC was concerned with limitations on judicial discretion. A public member agreed that the bill represents the earlier consensus on the Reform Committee. AODA stated that LOPD had made the changes they requested, though they were concerned that NMCD was not comfortable with the bill.

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**Bill:** SB142  
**Sponsors:** Brandt (R40)  
**Title:** SHOOTING THREATS A CRIME  
**Summary:** Adds a section to the Criminal Code making it a fourth-degree felony to threaten to shoot a person.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/11/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/01/2021—S Also referred to Senate Finance.  
 02/11/2021—S Reported Do Pass as amended by Senate Health and Public Affairs.  
**Comments:** The committee voted not to support this legislation, as the language is extremely broad and it creates a crime we don't need, by a vote of 10-0, with AGO, NMCD, and AODA abstaining. LOPD added that we have crimes already in the Criminal Code that covers similar conduct, and that this bill does not require actual disruption, making this essentially a thought crime. CYFD added that this bill seems to have arisen out of certain incidents in high schools, and so the crime would likely principally effect juveniles.

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**Bill:** SB181  
**Sponsors:** Cervantes (D31)  
**Title:** FLEXIBILITY ON COURT FINES  
**Summary:** Offers flexibility for fines, fees and costs associated with conviction and expands community service options.  
**Subjects:** Criminal Code; Courts and Civil Matters; Public Safety and Corrections  
**Progress:** 2nd House: Referred to Committee  
**Status:** 03/03/2021 – House Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Judiciary.  
 02/01/2021—S Also referred to Senate Finance.  
 02/10/2021—S Reported Do Pass as amended by Senate Judiciary.  
 02/19/2021—S Reported Do Pass by Senate

Finance.  
 03/01/2021—S Opened for floor debate.  
 03/01/2021—S Floor amendments adopted  
 (Amendment 1) (Sen. Katy Duhigg) Roll Call  
 24-15.  
 03/01/2021—S Passed 25-15.  
 03/03/2021—H Received in the House and referred  
 to House Judiciary.

**Scheduled:** 03/10/2021—House Judiciary Committee, 11:30  
 a.m., Virtual (Revised 03/09/2021)

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

**Bill:** **SB182**  
**Sponsors:** Cervantes (D31)  
**Title:** THREATENING A PUBLIC OFFICIAL  
**Summary:** Makes unlawful the threatening of a public official  
 with the intent to cause actual harm to the official,  
 place the official in fear of great bodily harm, or  
 prevent or interrupt the ability to carry out the  
 official's job duties. Carries the penalty of a petty  
 misdemeanor.  
**Subjects:** Criminal Code; State Affairs and State Agencies;  
 Legislature  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/18/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate  
 Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/18/2021—S Reported Do Pass as amended by  
 Senate Health and Public Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** **SB183**  
**Sponsors:** Cervantes (D31)  
**Title:** UNIFORM COLLATERAL CONSEQUENCES OF  
 CONVICTIONS ACT  
**Summary:** (Identical to 2019 SB 325, 2017 SB 292) Directs  
 the Sentencing Commission, acting in conjunction  
 with the district attorneys, the attorney general  
 and the Public Defender Department to identify any  
 provision of the New Mexico constitution or  
 statutes that imposes a collateral sanction or  
 affords relief from a collateral sanction and to  
 publish on the SC website within six months of the  
 act's effective date a collection of citations to these  
 provisions with brief descriptive text.  
**Subjects:** Alcohol, Firearms and Tobacco Products; Courts  
 and Civil Matters; Criminal Code; State Affairs and  
 State Agencies; Public Safety and Corrections  
 2019:SB325; 2017:SB292  
**Related:**  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/26/2021 – House Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate  
 Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/17/2021—S Reported Do Pass by Senate Health  
 and Public Affairs.  
 02/24/2021—S Reported Do Pass by Senate  
 Judiciary.  
 02/25/2021—S Opened for floor debate.  
 02/25/2021—S Passed 40-0.  
 02/26/2021—H Received in the House and referred  
 to House Judiciary.  
**Scheduled:** 03/10/2021—\*BILL REMOVED\* House Judiciary  
 Committee, 11:30 a.m., Virtual (Revised  
 03/09/2021)  
**Comments:** No action was taken on this legislation.

**Bill:** **SB191**  
**Sponsors:** Lopez (D11)  
**Title:** BRIDGES ACROSS NEW MEXICO BEHAVIORAL  
 HEALTH CONSORTIUM  
**Summary:** (Duplicate of 2021 HB151) Directs the Human  
 Services Department to convene a Bridges Across  
 New Mexico Behavioral Health Consortium to  
 address treatment of substance use disorders,  
 mental health issues, and homelessness.  
 Appropriates \$50,000 (GF) to the Human Services  
 Department for use in FY2023 to develop an action  
 plan to present to the Department and the  
 Legislature.  
**Subjects:** Schools and Teachers; Human Services;  
 Appropriations; State Affairs and State Agencies;  
 Courts and Civil Matters  
**Related:** 2021:HB151  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/17/2021 – Senate Finance Committee  
**History:** 02/01/2021—S Introduced and referred to Senate  
 Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Finance.  
 02/17/2021—S Reported Do Not Pass but Do Pass  
 as substituted by Senate Health and Public  
 Affairs.  
**Comments:** The committee voted unanimously to support this  
 legislation, as it is overdue for the state to address  
 the issues of behavioral health needs, treatment  
 needs, and the like in the state.

**Bill:** **SB192**  
**Sponsors:** Lopez (D11)  
**Title:** LAW ENFORCEMENT DISCLOSURE OF  
 EXCULPATORY EVIDENCE  
**Summary:** Requires law enforcement officers to disclose  
 evidence favorable to an accused person in a  
 criminal case and creates a penalty for failure to  
 disclose that information or hindering another  
 officer from doing so.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/08/2021 – Senate Calendar  
**History:** 02/01/2021—S Introduced and referred to Senate  
 Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/17/2021—S Reported without recommendation  
 by Senate Health and Public Affairs.  
 03/08/2021—S Reported Do Pass by Senate  
 Judiciary.  
**Scheduled:** 03/09/2021—Senate Calendar, 11:00 a.m., Virtual  
**Comments:** LOPD stated that Brady applies to prosecutors, not  
 law enforcement, and that this bill would close that  
 loophole, and that this bill would cut down on  
 post-conviction litigation. AODA stated that there is  
 already a duty for the DA disclose, Section 29-1-1  
 NMSA 1978, and that it is already possible to  
 suspend an officer for violation of disclosure. DPS  
 stated that there is already a process in place to  
 handle this behavior.

**Bill:** **SB194**  
**Sponsors:** Moores (R21); McQueen (D50)  
**Title:** PUBLIC OFFICIALS: PUBLIC CORRUPTION ACT  
**Summary:** (Identical to 2019 SB202 and HB 169; almost  
 identical to 2018, HB 109; related to 2018, HB 111  
 and HB 287) Cited as the Public Corruption Act,  
 applies to public corruption offenses committed by  
 public officials while campaigning for or serving a

term as a public official on or after July 1, 2021, but does not include judicial, municipal, school board or special district elections. Classifies as a public corruption offense 14 different types of violations that carry a first-, second- or third-degree felony penalty. In addition to the criminal penalties for an underlying offense, a public official shall forfeit service accrued under PERA during all periods of service as a public official (contains some exclusions).

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

**Related:** 2019:SB202; 2019:HB169; 2018:HB109; 2018:HB111; 2018:HB287

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

**Status:** 02/17/2021 – Senate Judiciary Committee

**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
02/01/2021—S Also referred to Senate Judiciary.  
02/17/2021—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** No action was taken on this legislation.

**Bill:** SB196

**Sponsors:** Lopez (D11)

**Title:** CHILDREN'S CODE REFORM TASK FORCE

**Summary:** Creates a temporary Children's Code Reform Task Force to study and make recommendations for amendments to the Code. Appropriates \$100,000 (GF) to the Administrative Office of the Courts for use in FY2022 for the task force.

**Subjects:** Family and Juveniles; Appropriations; Courts and Civil Matters; State Affairs and State Agencies; Indians; Interim Studies and Interim Committees; Higher Education; Legislature

**Progress:** 1st House: Passed

**Status:** 03/08/2021 – Passed in the Senate

**History:** 02/01/2021—S Introduced and referred to Senate Rules.

02/01/2021—S Also referred to Senate Finance.

02/10/2021—S Reported Do Pass as amended by Senate Rules.

03/05/2021—S Reported Do Pass by Senate Finance.

03/08/2021—S Opened for floor debate.

03/08/2021—S Passed 41-0.

**Comments:** No action was taken on this legislation.

**Bill:** SB213

**Sponsors:** Candelaria (D26); Jaramillo, Leo (D5)

**Title:** PROHIBITS DEFENSE BASED ON VICTIM'S GENDER

**Summary:** Prohibits a defense based on a defendant's discovery of, knowledge about or the potential disclosure of a victim's or witness's gender, gender identity, gender expression or sexual orientation. No evidence shall be admitted as a defense in a criminal proceeding regarding the effect on the defendant of discovery, knowledge or potential disclosure of a victim's or witness's actual or perceived gender, gender expression, gender identity, or sexual orientation. Definition for "gender expression," "gender identity," and "sexual orientation" provided.

**Subjects:** Criminal Code; Courts and Civil Matters

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

**Status:** 02/17/2021 – Senate Judiciary Committee

**History:** 02/01/2021—S Introduced and referred to Senate

Health and Public Affairs.

02/01/2021—S Also referred to Senate Judiciary.

02/17/2021—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** No action was taken on this legislation.

**Bill:** SB216

**Sponsors:** Candelaria (D26)

**Title:** REDUCING PENALTIES FOR DRUG POSSESSION

**Summary:** Reduces the criminal classification and penalties for possession of a controlled substance.

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

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

**Status:** 02/17/2021 – Senate Judiciary Committee

**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.

02/01/2021—S Also referred to Senate Judiciary.

02/17/2021—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** LOPD stated that this bill would move the state to treating substance abuse as a public health issue and focus on a treatment approach; it would significantly reduce the collateral consequences of a substance abuse disorder. AODA stated that they had real concerns with the changes that were made for the drugs in the statute aside from marijuana, and that defelonizing the non-marijuana drugs was not the right step at this point; they added that most of these cases plead, and that the penalties in the statute help to get the defendant into treatment. A public member noted that this bill does not tamper with the trafficking statute, so that was still available, and only defelonized possession. DPS stated that they agreed with the AODA analysis, and that while treatment was important, the state did not have the necessary resources.

**Bill:** SB220

**Sponsors:** Cervantes (D31)

**Title:** POLICE BODY CAMERA EXCEPTIONS

**Summary:** Provides exceptions to a statewide requirement that law enforcement officers employ body cameras while on duty. Amends the body camera law, passed in 2020, to add a provision allowing law enforcement officers to not employ a body camera to record a death or an undercover operation.

**Subjects:** Public Safety and Corrections; Courts and Civil Matters; Information Technology

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

**Status:** 03/08/2021 – Senate Calendar

**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.

02/01/2021—S Also referred to Senate Judiciary.

02/18/2021—S Reported Do Pass by Senate Health and Public Affairs.

03/08/2021—S Reported Do Pass as amended by Senate Judiciary.

**Scheduled:** 03/09/2021—Senate Calendar, 11:00 a.m., Virtual  
**Comments:** The committee voted unanimously to table this bill, as DPS only recently received the bill draft and was working with the sponsor on possible changes; one example, a definition of law enforcement contact; additionally, there are instances when an agency would want a camera to continue recording, but there might need to be an IPRA exception to the information that is captured.

**Bill:** SB221  
**Sponsors:** Padilla (D14)  
**Title:** FINANCIAL CRIMES AGAINST ELDERLY, DISABLED OR VULNERABLE ADULTS ACT  
**Summary:** Proposes the Financial Crimes Against Elderly, Disabled or Vulnerable Adults Act to create specific crimes and penalties for committing such crimes.  
**Subjects:** Criminal Code; Aging; Banks, Securities and Loans  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/18/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/01/2021—S Also referred to Senate Finance.  
 02/18/2021—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** SB224  
**Sponsors:** Sedillo Lopez (D16)  
**Title:** PENALTIES FOR FAILING TO SECURE A FIREARM  
**Summary:** Creates the crime of failing to secure a firearm and provides penalties.  
**Subjects:** Criminal Code  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/24/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/24/2021—S Reported Do Pass as amended by Senate Health and Public Affairs.  
**Comments:** The committee voted not to support this legislation, as the law probably is not enforceable, by a vote of 12-0, with CYFD abstaining. DPS added that DPS does not approve devices to secure firearms, that the ages outlined in the bill do not align with current law and practice, and that DPS generally does not petition the court for misdemeanor offenses. AODA added that in rural jurisdictions it is common for children under 12 to be taught to shoot. LOPD added that it is not clear what happens if a firearm is secured but someone gains access anyway, and that they are concerned with the vagueness of the legislation.

**Bill:** SB227  
**Sponsors:** Lopez (D11)  
**Title:** LAW ENFORCEMENT VIOLENCE REFORMS  
**Summary:** Makes a sweeping police reform proposal meant to curtail police use of force, require de-escalation training, ban police choke holds, tear gas, rubber bullets, “no knock” search warrants and other measures following a summer of nationwide protests focused on police brutality and racism within police ranks.  
**Subjects:** Criminal Code; Public Safety and Corrections; Civil Rights  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/25/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/25/2021—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.  
**Comments:** The committee voted not to support this legislation, as the reform proposed in the legislation goes too far and would make the job of

an officer extremely dangerous, by a vote of 6-0, with LOPD, Magistrate Judge, CYFD, AOC, AGO, and two public members abstaining. DPS added that reform is needed, and that de-escalation is important, but there are situations, like the one that had just occurred in Las Cruces, where that is not possible; they added that there should be a statewide use of force policy, but not this one; they also added that they support a duty to intervene, and are working on such a policy.

**Bill:** SB247  
**Sponsors:** Sedillo Lopez (D16); Hochman-Vigil (D15)  
**Title:** ELIMINATING LIFE WITHOUT PAROLE FOR CHILD DEFENDANTS  
**Summary:** Adds a provision specifying that children subjected to adult sentences – including for first degree murder – could not be sentenced to life in prison without the possibility of parole.  
**Subjects:** Public Safety and Corrections; Family and Juveniles  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/08/2021 – Senate Calendar  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/24/2021—S Reported Do Pass as amended by Senate Health and Public Affairs.  
 03/08/2021—S Reported Do Pass as amended by Senate Judiciary.

**Scheduled:** 03/09/2021—Senate Calendar, 11:00 a.m., Virtual  
**Comments:** The committee voted not to support this legislation, due to concerns about the provisions requiring parole review after 10 years, by a vote of 5-4 (LOPD and three public members against), with CYFD, Magistrate Judge, AOC, and NMCD abstaining. AODA added that the bill codifies Federal law on juvenile LWOP, which they do not have a problem with. LOPD stated that the provision for 10-year hearings is rooted in recognized brain science and gets a child past the important 25-year old age marker; the science shows that juvenile offenders have a higher ability to rehabilitate; they added that the release is not automatic, but that the Parole Board still have to review the person’s case; they also added that the bill is a response to a case that arose out of an incident in Albuquerque, where the court stated at all levels of review (from District Court through the Supreme Court) that they wished they had other sentencing and parole options than those that existed in present law. NMSC noted that the LWOP provisions in Federal law are still not fully defined, and that the US Supreme Court heard a case in its October term that could further set parameters on what forms of LWOP or extended sentences are constitutional for juveniles.

**Bill:** SB255  
**Sponsors:** O’Neill (D13)  
**Title:** LEGALIZING AND SUPPLYING MEANS OF SAFE DRUG CONSUMPTION  
**Summary:** Would provide supplies for safe injection, smoking and inhalation of controlled substances and amend sections of law dealing with harm-reduction related to drug use.  
**Subjects:** Criminal Code; Health and Medical Practice; State Affairs and State Agencies; Public Safety and Corrections  
**Progress:** 1st House: Passed

**Status:** 03/09/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/25/2021—S Reported Do Pass by Senate Health and Public Affairs.  
 03/09/2021—S Opened for floor debate.  
 03/09/2021—S Floor amendments adopted (Amendment 1) (Sen. Daniel Ivey-Soto).  
 03/09/2021—S Floor amendments adopted (Amendment 2) (Sen. Ron Griggs).  
 03/09/2021—S Floor amendments adopted (Amendment 3) (Sen. Linda Lopez) 25-15.  
 03/09/2021—S Floor amendments adopted (Amendment 4) (Sen. George Munoz) Roll Call 34-4.  
**Comments:** A public member noted that this bill protects activity that is recognized around the world as useful to manage substance abuse issues. LOPD noted that UNM was working on a program that would not be able to take effect unless this bill passes.

**Bill:** SB257  
**Sponsors:** Padilla (D14)  
**Title:** AMENDING CHILD DELINQUENCY PLACEMENTS  
**Summary:** Expands the scope of child delinquency placements, creates a petition process for alternate delinquency placements and ensures that placements for Indian children offer access to cultural practices. Adds requirements for a delinquency placement court order.  
**Subjects:** Family and Juveniles; Indians  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/10/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Indian, Rural & Cultural Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/10/2021—S Reported Do Pass by Senate Indian, Rural & Cultural Affairs.  
**Comments:** The committee voted to support the concept behind this legislation, while recognizing that amendments were needed, as the legislation would provide needed flexibility in placements and allow the access of Federal funds, by a vote of 12-0, with NMCD abstaining. A public member noted that many on the NMSC Juvenile Committee supported the bill in concept, though wished there to be some changes to it. CYFD stated that there was some question about where in the Children’s Code was the proper place for this legislation; they added that the sponsor recognized that there would be amendments to the legislation as it moved forward.

**Bill:** SB258  
**Sponsors:** Baca (R29)  
**Title:** NEW CRIMINAL OFFENSE OF ‘LOOTING’  
**Summary:** Creates the crime of “looting” and prescribes penalties.  
**Subjects:** Criminal Code  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/01/2021 – Senate Health and Public Affairs Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/01/2021—S Also referred to Senate Finance.  
**Comments:** No action was taken on this legislation.

**Bill:** SB265  
**Sponsors:** Pirtle (R32)  
**Title:** MAGISTRATE COURT CHANGE OF VENUE  
**Summary:** Relates to magistrate court. Allows for a change of venue in criminal actions involving violation of a law relating to a motor vehicle where the defendant “consents to a change of venue from the magistrate district where the cause of action arose.” Carries an effective date of July 1, 2021.  
**Subjects:** Criminal Code; Courts and Civil Matters; Alcohol, Firearms and Tobacco Products; Transportation; County Affairs  
**Progress:** 1st House: Passed  
**Status:** 03/09/2021 – Passed in the Senate  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 03/02/2021—S Reported Do Pass by Senate Health and Public Affairs.  
 03/08/2021—S Reported Do Pass by Senate Judiciary.  
 03/09/2021—S Opened for floor debate.  
 03/09/2021—S Passed 39-0.

**Scheduled:** 03/09/2021—Senate Calendar, 11:00 a.m., Virtual  
**Comments:** The committee voted not to support this legislation, as it could cause an unwelcome shift in the caseloads of certain Magistrate Courts, by a vote of 8-0, with CYFD and two public members abstaining. AOC added that the impact would be greatest on Magistrate Courts located close to other counties, and that there was already a provision under law where a defendant can transfer venue if he wishes.

**Bill:** SB266  
**Sponsors:** Ivey-Soto (D15); Duhigg (D10)  
**Title:** STAGGER TERMS OF TRIAL COURT JUDGES  
**Summary:** Staggers the terms of judges of the District and Municipal Courts so that no more than one-third of seats in any district of the District Courts, and no more than half of the seats in Metropolitan Court, shall be subject to a retention election in any general election year. District Court judges serve for six year terms, but the initial term of office for a newly created judgeship is staggered as provided even if the result is a shortened term of office. Metropolitan Court judges serve for four year terms, but initial term of office for newly created positions may likewise be shortened. Contains legislative findings for the necessity of this change.  
**Subjects:** Courts and Civil Matters; Public Employees/Retirement  
**Progress:** 2nd House: Reported from Committees  
**Status:** 03/08/2021 – House Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Rules.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/10/2021—S Reported Do Pass by Senate Rules.  
 02/17/2021—S Reported Do Pass by Senate Judiciary.  
 02/24/2021—S Opened for floor debate.  
 02/24/2021—S Passed 39-0.  
 02/25/2021—H Received in the House and referred to House State Government, Elections & Indian Affairs.  
 02/25/2021—H Also referred to House Judiciary.  
 03/08/2021—H Reported Do Pass by House State Government, Elections & Indian Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** SB274  
**Sponsors:** Sedillo Lopez (D16)  
**Title:** POLICE USE OF DEADLY FORCE REPORTING  
**Summary:** Creates a reporting mechanism and assignment of a prosecutor after a law enforcement officers use of deadly force resulting in great bodily harm or death.  
**Subjects:** Criminal Code; Public Safety and Corrections; Civil Rights  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/01/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 03/01/2021—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** SB288  
**Sponsors:** Pirtle (R32)  
**Title:** CANNABIS REGULATION ACT AND CANNABIS TAX ACT  
**Summary:** (Related to 2021 HB12, HB17, SB13) Creates the Cannabis Regulation Act to provide for the legal production, manufacture, sale and use of cannabis by adults in New Mexico. Creates the Cannabis Control Commission with powers and duties, and with exclusive authority over testing, manufacture, packaging and transportation of cannabis. Provides for dual medical-commercial licensure. Establishes duties of the Departments of Agriculture, Environment, and Public Safety. Creates the Cannabis Tax Act, levying a Cannabis Excise Tax, Municipal Cannabis Tax, and County Cannabis Tax, each at two percent. Authorizes local governments to restrict commercial cannabis activities. Creates the Cannabis Regulation Fund that absorbs the Medical Cannabis Fund. Creates the Road Safety Fund. Revises the Local DWI Grant Program. Decriminalizes cannabis possession by adults and provides and revises other penalties. Amends the Controlled Substances Act.  
**Subjects:** Health and Medical Practice; County Affairs; Municipalities/City Government; Criminal Code; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Agriculture and Ranching; Public Safety and Corrections; Environment and Pollution; Taxation, Fees and Audits  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/01/2021 – Senate Tax, Business and Transportation Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Tax, Business & Transportation.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/01/2021—S Also referred to Senate Finance.  
**Scheduled:** 03/09/2021—Senate Tax, Business and Transportation Committee, 1:30 p.m. or 15 minutes after floor session, Virtual  
**Comments:** No action was taken on this legislation at the 16 Feb 21 meeting – the committee will consider all of the cannabis legalization bills at its next meeting.

**Bill:** SB291  
**Sponsors:** Campos, P. (D8)  
**Title:** INSPECTION OF PRIVATELY OPERATED CORRECTIONAL FACILITIES

**Summary:** Requires inspection of privately operated correctional facilities at least once every three years without prior notice, for which the facility will bear the cost.  
**Subjects:** Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/09/2021 – Senate Calendar  
**History:** 02/01/2021—S Introduced and referred to Senate Judiciary.  
 02/01/2021—S Also referred to Senate Finance.  
 03/04/2021—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.  
 03/09/2021—S Reported Do Pass by Senate Finance.  
**Comments:** No action was taken on this legislation.

**Bill:** SB310  
**Sponsors:** Steinborn (D36)  
**Title:** EXTENDING STATUE OF LIMITATIONS FOR CHILD SEX ABUSE CRIMES  
**Summary:** Increases statues of limitations for criminal sexual penetration and criminal sexual contact of a child.  
**Subjects:** Criminal Code; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/08/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/01/2021—S Also referred to Senate Judiciary.  
 02/01/2021—S Also referred to Senate Finance.  
 03/08/2021—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** SB324  
**Sponsors:** Lopez (D11)  
**Title:** REVISED PROCEDURES FOR PROTECTIVE CUSTODY OF CHILDREN  
**Summary:** Makes significant changes to the procedures governing protective custody of children, including transferring certain responsibilities from law enforcement to the Children, Youth and Families Department and establishing procedures for post-petition removal hearings. Specific changes are as follows:  
**Subjects:** Family and Juveniles; Courts and Civil Matters; Public Safety and Corrections  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/09/2021 – Senate Judiciary Committee  
**History:** 02/10/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/10/2021—S Also referred to Senate Judiciary.  
 03/09/2021—S Reported Do Pass by Senate Health and Public Affairs.  
**Comments:** The committee voted unanimously to table this bill, as CYFD was still reviewing the legislation and may have changes. On 23 Feb, the committee revisited this bill. The committee voted to support this legislation, as it was a recommendation of the Children’s Court Improvement Commission, by a vote of 8-0, with AODA abstaining. CYFD noted that the legislation would reduce trauma as the decision for removal was moving from law enforcement to CYFD, and that it improves options around removal; they added that if the bill did not pass, NM would remain, with Hawaii, as the only states relying on law enforcement in these circumstances.



**Bill:** SB327  
**Sponsors:** Sedillo Lopez (D16)  
**Title:** RESTRICTIONS & PENALTIES FOR EMPLOYEE DISCLOSURE OF AGENCY INFORMATION  
**Summary:** Imposes restrictions and sanctions for the disclosure of sensitive information acquired by a state, district or magistrate court employee during the course of employment; imposes stricter confidentiality requirements on release of motor vehicle records; requires written request and written determination before motor vehicle information may be released.  
**Subjects:** County Affairs; Courts and Civil Matters; State Affairs and State Agencies; Information Technology; Insurance; Public Employees/Retirement; Criminal Code; Transportation  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/10/2021 – Senate Health and Public Affairs Committee  
**History:** 02/10/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/10/2021—S Also referred to Senate Judiciary.  
**Comments:** No action was taken on this legislation.

**Bill:** SB343  
**Sponsors:** Padilla (D14)  
**Title:** RACING ON STREETS OR HIGHWAYS  
**Summary:** Would allow victims of street or highway races that resulted in bodily injury to claim compensation under the Victim’s Reparation Act and broadens a statute outlawing racing on highways by adding streets to the list of outlawed roadways for racing vehicles.  
**Subjects:** Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Municipalities/City Government; County Affairs; Transportation  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/10/2021 – Senate Health and Public Affairs Committee  
**History:** 02/10/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/10/2021—S Also referred to Senate Judiciary.  
**Comments:** No action was taken on this legislation.

**Bill:** SB344  
**Sponsors:** Hickey (D20)  
**Title:** ‘VEHICULAR MANSLAUGHTER’ CRIME ADDED TO MOTOR VEHICLE CODE  
**Summary:** Amends the Motor Vehicle Code to add the crime of “vehicular manslaughter.”  
**Subjects:** Criminal Code  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/10/2021 – Senate Health and Public Affairs Committee  
**History:** 02/10/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/10/2021—S Also referred to Senate Judiciary.  
 02/10/2021—S Also referred to Senate Finance.  
**Comments:** No action was taken on this legislation. LOPD noted that this proposed crime is already covered by the involuntary manslaughter provision, and thus probably was not needed.

**Bill:** SB358  
**Sponsors:** Munoz (D4)  
**Title:** INCREASING TRESPASSING PENALTY

**Summary:** Increases criminal penalties for unlawfully trespassing on private property.  
**Subjects:** Criminal Code; Land, Housing and Real Estate; Agriculture and Ranching; Natural Resources (Parks and Wildlife)  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/09/2021 – Senate Judiciary Committee  
**History:** 02/10/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/10/2021—S Also referred to Senate Judiciary.  
 03/09/2021—S Reported without recommendation by Senate Health and Public Affairs.  
**Comments:** No action was taken on this legislation.

**Bill:** SB363  
**Sponsors:** Candelaria (D26)  
**Title:** CANNABIS REGULATION ACT AND CANNABIS TAX ACT  
**Summary:** (Very similar to 2021 HB12; related to 2021 SB13, SB288, HB17; 2020 HB160, HB334, SB115) Governs the legalization and taxation of adult-use cannabis. Creates the Cannabis Regulation Act to consolidate all regulation and administration of commercial and medical cannabis activity by creation of the Cannabis Control Division of Regulation and Licensing Department. Transfers all duties of the Department of Health for the medical cannabis program to the Division. Provides for licensure and fees for producers, producer microbusinesses, manufacturers, testing laboratories, couriers, research laboratories, servers, education and training, integrated cannabis establishments and microbusinesses and cannabis consumption areas. Provides for local control. Creates the Cannabis Tax Act to impose an excise tax of nine percent, a municipal tax of three percent, and a county tax of four percent. Requires extensive rule-making and interagency cooperation; creates new reporting requirements; amends the Lynn and Erin Compassionate Use Act, the Tax Administration Act, the Controlled Substances Act and other sections of statute.  
**Subjects:** Higher Education; Health and Medical Practice; County Affairs; Municipalities/City Government; Criminal Code; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Agriculture and Ranching; Public Safety and Corrections; Indians; Taxation, Fees and Audits  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/10/2021 – Senate Tax, Business and Transportation Committee  
**History:** 02/10/2021—S Introduced and referred to Senate Tax, Business & Transportation.  
 02/10/2021—S Also referred to Senate Judiciary.  
**Comments:** No action was taken on this legislation at the 16 Feb 21 meeting – the committee will consider all of the cannabis legalization bills at its next meeting.

**Bill:** SB371  
**Sponsors:** Soules (D37)  
**Title:** MENTAL HEALTH WELLNESS PROGRAMS FOR LAW ENFORCEMENT AGENCIES  
**Summary:** Establishes mental health wellness programs for law enforcement agencies and program requirements. Applies to a city or municipal police department, county sheriff’s office, N. M. state police, or a police department established by a university

**Subjects:** Public Safety and Corrections; Criminal Code; County Affairs; Municipalities/City Government  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/11/2021 – Senate Health and Public Affairs Committee  
**History:** 02/11/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/11/2021—S Also referred to Senate Judiciary.  
 02/11/2021—S Also referred to Senate Finance.  
**Comments:** The committee voted to support this legislation, as the bill addresses necessary priorities, by a vote of 9-0, with Magistrate Judge and two public members abstaining. DPS added that they supported the goals of the legislation, though they had some concern about the lack of funding for the new positions required by the legislation; and that it might be worthwhile to consider having regional psychologists for departments, as many smaller agencies were not large enough to have a full time person on staff.

**Bill:** SB375  
**Sponsors:** Munoz (D4); Ingle (R27)  
**Title:** FIRST RESPONDER TRAINING AND CERTIFICATION  
**Summary:** Amends the Emergency Medical Services Act, the Law Enforcement Training Act and the Fire Protection Training law to require that first responder training programs include crisis management strategies. Reorganizes the New Mexico Law Enforcement Academy Board, changes its duties, and places the Director under direct supervision of the Secretary of Public Safety. Creates the Law Enforcement Certification Board, administratively attached to the DPS, and transfers to it authority for officer certification. Directs transfer of \$6.0 million from the Law Enforcement Protection Fund to the academy for training. Provides for creation of a law enforcement officer database for information-sharing among law enforcement agencies about excessive use of force.

**Subjects:** State Affairs and State Agencies; Public Safety and Corrections; Appropriations  
**Progress:** 1st House: Passed  
**Status:** 03/08/2021 – Passed in the Senate  
**History:** 02/11/2021—S Introduced and referred to Senate Judiciary.  
 02/11/2021—S Also referred to Senate Finance.  
 02/24/2021—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.  
 03/05/2021—S Reported Do Pass as amended by Senate Finance.  
 03/08/2021—S Opened for floor debate.  
 03/08/2021—S Passed 38-0.

**Comments:** The committee voted unanimously to support this legislation, as it creates independence in the certification process and it creates a more diverse group to address issues of training. DPS added that this was an excellent police reform bill, that contains the best parts of other bills that have been introduced; additionally, DPS would favor adding duty to intervene policies.

**Bill:** SB376  
**Sponsors:** Cervantes (D31)  
**Title:** PROHIBIT QUALIFIED IMMUNITY FOR LAW ENFORCEMENT  
**Summary:** Amends the Tort Claims Act seemingly to track with provisions of the New Mexico Civil Rights Act provide that the defense of qualified immunity is

not available in a claim against a law enforcement officer under the act. Limits other defenses. Liability is established by proving that a violation occurred. Provides for award of litigation costs and attorney fees to a prevailing party. Establishes a default statute of limitations of three years and places a ceiling on recovery. Raises maximum liability limits and sets a \$2.0 million limit for all claims arising from a single occurrence. Applies to all cases pending or on appeal on the effective date.

**Subjects:** Courts and Civil Matters; Public Safety and Corrections; Civil Rights  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/11/2021 – Senate Health and Public Affairs Committee  
**History:** 02/11/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/11/2021—S Also referred to Senate Judiciary.  
**Comments:** No action was taken on this legislation.

**Bill:** SB396  
**Sponsors:** Pope (D23)  
**Title:** CREATING CRIME OF WILDLAND ARSON  
**Summary:** Adds a new form of arson to existing arson laws for arson involving "wildland."  
**Subjects:** Natural Resources (Parks and Wildlife); Agriculture and Ranching; Environment and Pollution; Criminal Code  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/17/2021 – Senate Health and Public Affairs Committee  
**History:** 02/17/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/17/2021—S Also referred to Senate Judiciary.  
 02/17/2021—S Also referred to Senate Finance.  
**Comments:** No action was taken on this legislation. LOPD noted that the bill has drafting issues, and that there is no need to change the aggravated arson statute.

**Bill:** SB408  
**Sponsors:** Gallegos (R41)  
**Title:** THE RIGHT OF BODILY INTEGRITY  
**Summary:** Grants state residents "the right to bodily integrity," affording people the right to refuse medical treatment or testing in numerous circumstances--including those arrested for driving under the influence of intoxicating liquor or drugs . Affords a path to compel testing, treatment or quarantine in numerous circumstances. Prohibits public or private discrimination related to refusing testing or treatment; requires informed consent related to an array of medical tests; limits medical interventions when a person asserts the right to bodily integrity. Would take immediate, emergency effect. "Department" refers to both the Early Childhood Education and Care Department and the Human Services Department.

**Subjects:** Health and Medical Practice; Public Safety and Corrections; State Affairs and State Agencies; Schools and Teachers; Human Services; Family and Juveniles; Criminal Code  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/18/2021 – Senate Health and Public Affairs Committee  
**History:** 02/18/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/18/2021—S Also referred to Senate Judiciary.  
**Comments:** The committee voted unanimously not to support

this legislation, as the bill is far too broad and has an impact on too many areas of law without there being further discussion on these matters. AODA expressed concern about the impact on DUI and on DNA collection; the latter, especially, would directly impact rape and homicide cases. LOPD stated that there were questions about how the legislation would interact with warrants in investigations, and noted there were implications under Birchfield analyses; they added that the bill was so broad and poorly written that it would implement bad policy. AGO noted that the implications for DNA collection were serious and had broad implications. AOC raised the concern of the tremendous amount of litigation that would likely result were this bill passed into law.

**Bill:** SB411  
**Sponsors:** Baca (R29)  
**Title:** OFFICER BODY CAM EXEMPTION  
**Summary:** Creates an exemption to the 2020 law requiring law enforcement officers to wear body cameras while on duty. Officers operating under direct supervision of a federal agency would be exempt from wearing a body camera while on duty in New Mexico.  
**Subjects:** Public Safety and Corrections; State Affairs and State Agencies; Municipalities/City Government; County Affairs  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/18/2021 – Senate Health and Public Affairs Committee  
**History:** 02/18/2021—S Introduced and referred to Senate Health and Public Affairs.  
 02/18/2021—S Also referred to Senate Judiciary.  
**Comments:** No action was taken on this legislation.

**Bill:** SJR11  
**Sponsors:** Lopez (D11)  
**Title:** CA: OFFICE OF FAMILY REPRESENTATION AND ADVOCACY  
**Summary:** Amends Art. 6 of the Constitution to establish in the Judicial Department an Office of Family Representation and Advocacy. The office would be an independent state agency that would provide representation to indigent persons. The agency would be headed by a director whose duties, term and qualifications would be established by law. Also, creates the Family Representation and Advocacy Oversight Commission to oversee the office, appoint its director, and not interfere with the discretion, professional judgment or advocacy of the office. Terms, qualifications and membership of the commission would be established by law.  
**Subjects:** Courts and Civil Matters; Constitutional Issues and Amendments  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/01/2021 – Senate Rules Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Rules.  
 02/01/2021—S Also referred to Senate Judiciary.  
**Comments:** The committee voted to support this legislation, as it was a recommendation of the family representation task force, by a vote of 7-1 (a public member against), with AODA, CYFD, LOPD, and a public member abstaining. AOC added that the constitutional amendment would be a good start for family representation of indigent people.

**Bill:** SJR21  
**Sponsors:** Pirtle (R32)  
**Title:** CA: ELECT SUPREME COURT JUSTICES BY DISTRICT  
**Summary:** Proposes to amend Article 6, Sections 4 and 8 of the state Constitution to provide for election of Supreme Court justices by district rather than statewide, and to require justices to reside in the districts from which they were elected. Requires implementation by the Legislature.  
**Subjects:** Courts and Civil Matters; Constitutional Issues and Amendments; Elections  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/11/2021 – Senate Rules Committee  
**History:** 02/11/2021—S Introduced and referred to Senate Rules.  
 02/11/2021—S Also referred to Senate Judiciary.  
**Comments:** The committee voted unanimously not to support this legislation, as the effect of the proposed constitutional amendment would make the state Supreme Court more politicized.

**Bill:** SM7  
**Sponsors:** O'Neill (D13)  
**Title:** INTERIM STUDY ON ECONOMICS OF CLOSING PRIVATE PRISONS  
**Summary:** Requests Legislative Council to appoint a joint subcommittee of interim committees on Courts, Corrections and Justice and Economic and Rural Development to study strategies to mitigate the economic consequences of closing private prisons.  
**Subjects:** County Affairs; Business, Manufacturing and Economic Development; Public Safety and Corrections; Interim Studies and Interim Committees  
**Progress:** 1st House: Reported from Committees  
**Status:** 03/03/2021 – Senate Judiciary Committee  
**History:** 02/01/2021—S Introduced and referred to Senate Rules.  
 02/01/2021—S Also referred to Senate Judiciary.  
 03/03/2021—S Reported Do Pass by Senate Rules.  
**Comments:** No action was taken on this legislation.