

New Mexico Sentencing Commission Bill Tracker (2022 Reg)

Bill: HB5
Sponsors: Matthews (D27)
Title: REBUTTABLE PRESUMPTION OF DANGER TO THE COMMUNITY FOR CERTAIN CRIMES
Summary: (Governor’s Bill) Creates the presumption that certain crimes render a person dangerous to other individuals or the community, and that they should not be granted pre-trial release on bail for the criminal charges outlined in the legislation. It would be the defendant’s responsibility to disprove that presumption as written.
Subjects: Criminal Code; Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 01/20/2022 – House Government, Elections and Indian Affairs Committee
History: 01/19/2022—H Introduced and referred to House Rules & Order of Business.
 01/20/2022—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message.
 01/20/2022—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/20/2022—H Also referred to House Judiciary.
Comments: LOPD noted that were this bill to pass, it would hold a large number of people in pretrial detention, while not having an impact on the violent crime problem in Albuquerque; additionally, the bill is internally inconsistent and seems to run afoul of the state constitution; they also noted the overincarceration rate found by a recent UNM study, especially that 25% of those detained in Bernalillo County were never convicted for their alleged offense (a number that includes cases sent to Federal court and those dismissed and refiled). A public member noted that the NMSC’s mandate is to indicate whether a proposal will improve the criminal justice system, and this one doesn’t. DPS disagreed, and noted that they agree with the Governor that this bill would have a positive impact on crime. AODA noted their support for the legislation, that they disagree with LOPD, that issues with pretrial detention are statewide, and that they are confident the bill is constitutional. AGO noted their support for the legislation, believing it would have a positive impact on crime and likely to stand constitutional muster. A motion not to support the legislation failed. The committee voted to support this legislation by a vote of 6-3 (LOPD and two public members against), with AOC and a public member abstaining.

Bill: HB16
Sponsors: Maestas (D16)
Title: FUND ADVOCATES FOR VICTIMS OF CRIME
Summary: Appropriates \$5 million (GF) to the Crime Victims Reparation Commission for use in FYs 2023 and 2024 to fund law enforcement-based advocates for victims of gun violence and violent crime.
Subjects: Appropriations; Criminal Code; Alcohol, Firearms and Tobacco Products
Progress: 1st House: Referred to Committee
Status: 01/25/2022 – House Appropriations and Finance Committee
History: 01/04/2022—H Prefiled in the House.
 01/19/2022—H Found Germane by Speaker Egolf pursuant to Constitution.
 01/19/2022—H Introduced and referred to House Health & Human Services.
 01/19/2022—H Also referred to House Appropriations & Finance.
 01/25/2022—H Reported Do Pass by House Health & Human Services.
Comments: HB 16: A public member noted that the money for the CVRC for these purposes should be increased. LOPD noted that while

they support this measure, the fund for victims of crime should be based outside of law enforcement. The committee voted to support this legislation unanimously.

Bill: HB25
Sponsors: Rehm (R31)
Title: STATUTE OF LIMITATION, SECOND DEGREE MURDER AND DRUG TRAFFICKING
Summary: (For the Courts, Corrections and Justice Committee) (Very similar to 2021 HB62, 2020 HB26, related to 2019 HB104) Removes any time limitation for prosecuting second-degree felony murders, so that those crimes would be treated like capital felonies and first-degree violent felonies which may be prosecuted at any time.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections
Related: 2021:HB62; 2020:HB26; 2019:HB104
Progress: Introduced
Status: 01/24/2022 – House Rules and Order of Business Committee
History: 01/05/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
 01/24/2022—H Reported Not germane by House Rules & Order of Business.
Comments: No action was taken on this legislation as it was found to be not germane.

Bill: HB26
Sponsors: Rehm (R31)
Title: FIREARMS AND CONTROLLED SUBSTANCE TRAFFICKING PENALTY
Summary: (Identical to 2021 HB81, 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: 2021:HB81; 2020:HB114
Progress: 1st House: Referred to Committee
Status: 01/24/2022 – House Consumer and Public Affairs Committee
History: 01/05/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
 01/24/2022—H Reported germane by House Rules & Order of Business.
 01/24/2022—H Also referred to House Consumer & Public Affairs.
 01/24/2022—H Also referred to House Judiciary.
 01/24/2022—H Also referred to House Appropriations & Finance.
Comments: LOPD noted that this bill should include that when this bill was introduced in a previous Session, a fix was made to narrow the bill to include only face-to-face interactions. No action was taken on this legislation.

Bill: HB27
Sponsors: Rehm (R31)
Title: PRESUMPTION OF PROOF THAT PERSON TOO DANGEROUS FOR PRETRIAL RELEASE
Summary: Relates to pretrial detention in criminal cases and establishes a presumption that prosecution has proven by clear and convincing evidence that a person-defendant who meets one of six criteria is dangerous and no release conditions will reasonably protect the safety of another person or the community if the person is released during pendency of the case. Allows for the presumption to be rebutted.

Subjects: Criminal Code; Banks, Securities and Loans; Courts and Civil Matters; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/24/2022 – House Consumer and Public Affairs Committee
History: 01/04/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
 01/24/2022—H Reported germane by House Rules & Order of Business.
 01/24/2022—H Also referred to House Consumer & Public Affairs.
 01/24/2022—H Also referred to House Judiciary.
 01/24/2022—H Also referred to House Appropriations & Finance.
Comments: LOPD noted that this provision would require a constitutional amendment to be constitutional. A motion not to support the legislation failed.

Bill: **HB28**
Sponsors: Rehm (R31)
Title: INCREASE PENALTY FOR FELON POSSESSING FIREARM
Summary: (For the Courts, Corrections and Justice Committee) (Related to 2020 HB6) Amends the Criminal Sentencing Act to increase the penalty for felon in possession of a firearm or destructive device to five years imprisonment, from the standard three years for a third degree felony.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections
Related: 2020:HB6
Progress: 1st House: Referred to Committee
Status: 01/24/2022 – House Consumer and Public Affairs Committee
History: 01/05/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
 01/24/2022—H Reported germane by House Rules & Order of Business.
 01/24/2022—H Also referred to House Consumer & Public Affairs.
 01/24/2022—H Also referred to House Judiciary.
 01/24/2022—H Also referred to House Appropriations & Finance.
Comments: NMSC noted that this bill adds another exception into the felony sentencing structure statute; such exceptions have been characterized as a problem with the state’s Criminal Code by those who have analyzed our Code for the work being undertaken by NMSC to update the Code. LOPD noted that they share the concern about changing this statute, and that increasing penalties does not have a deterrent effect on crime. A motion not to support the legislation failed.

Bill: **HB29**
Sponsors: Rehm (R31)
Title: ORGANIZED RETAIL CRIME
Summary: (For the Courts, Corrections and Justice Committee) Creates and defines the category of “organized retail crime” in the Criminal Code and imposes penalties.
Subjects: Criminal Code; Business, Manufacturing and Economic Development; Public Safety and Corrections
Progress: Introduced
Status: 01/19/2022 – House Rules and Order of Business Committee
History: 01/05/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
Comments: No action was taken on this legislation as it had yet to be found germane.

Bill: **HB31**
Sponsors: Rehm (R31)
Title: LIFE IMPRISONMENT FOR VIOLENT FELONIES (THREE STRIKES LAW)
Summary: (Similar to 2021 HB58; 2020 HB33) Under the Criminal

Sentencing Act, expands the types of felony convictions subject to mandatory life imprisonment without possibility of parole to persons convicted three times of violent crimes. Includes convictions of violent crimes committed before age 18, for a person sentenced as an adult under: 1) Sec. 31-18-15.3, serious youthful offender, which includes murder in the first degree; 2) Sec. 32A-2-20, disposition of a youthful offender as an adult; or 3) the laws of another state. Provides an exception for geriatric or medical parole pursuant to Sec. 31-21-25.1.
Subjects: Criminal Code; Public Safety and Corrections
Related: 2021:HB58; 2020:HB33
Progress: Introduced
Status: 01/19/2022 – House Rules and Order of Business Committee
History: 01/05/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
Comments: No action was taken on this legislation as it had yet to be found germane.

Bill: **HB52**
Sponsors: Lujan (D48)
Title: EXPAND HARM REDUCTION ACT
Summary: Governor’s Bill. (Related to 2021 SB255) Amends the Harm Reduction Act to expand the supplies provided to Harm Reduction Program participants and to enlarge the focus of the program to include reduction of overdose mortality. Excludes persons in possession of supplies or devices provided by the Harm Reduction Program from criminal liability for such possession.
Subjects: Health and Medical Practice; Criminal Code
Related: 2021:SB255
Progress: 1st House: Reported from Committees
Status: 01/27/2022 – House Judiciary Committee
History: 01/12/2022—H Prefiled in the House.
 01/19/2022—H Found Germane by Speaker Egolf pursuant to House Executive Message.
 01/19/2022—H Introduced and referred to House Health & Human Services.
 01/19/2022—H Also referred to House Judiciary.
 01/27/2022—H Reported Do Pass by House Health & Human Services.
Comments: LOPD noted that supplies to test drugs like fentanyl are currently illegal. The committee voted to support this legislation unanimously, as it can reduce harm done to people.

Bill: **HB53**
Sponsors: Rehm (R31)
Title: COURT ORDERED CHEMICAL BLOOD TESTS IN DWI OR DUI SUSPECTED CASES
Summary: (Related to 2022 HB54; identical to 2021 HB63 and 2020 HB231) 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: Criminal Code; Health and Medical Practice; Public Safety and Corrections; Transportation; Alcohol, Firearms and Tobacco Products
Related: 2022:HB54; 2022:HB63; 2020:HB231
Progress: Introduced
Status: 01/19/2022 – House Rules and Order of Business Committee
History: 01/12/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
Comments: No action was taken on this legislation as it had yet to be found germane.

Bill: HB54
Sponsors: Rehm (R31)
Title: DUI CRIMES AND EVIDENTIARY STANDARDS
Summary: (Related to 2022 HB53; 2021 HB63 and HB187) Amends several sections of the Criminal Code related to driving under the influence (DUI) of alcohol, cannabis or “any drug”; sets specific blood concentrations standards for common drugs; includes EMTs and phlebotomists among personnel with immunity for performing blood chemistry analysis and allows for their testimony by interactive video; and expands authority of magistrates and judges to issue search warrants for blood chemistry analysis, removing the limitation to felony cases or those involving death or great bodily harm.
Subjects: Criminal Code; Transportation; Public Safety and Corrections
Related: 2022:HB53; 2021:HB63; 2021:HB187
Progress: Introduced
Status: 01/19/2022 – House Rules and Order of Business Committee
History: 01/12/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
Comments: No action was taken on this legislation as it had yet to be found germane.

Bill: HB64
Sponsors: Garcia, Miguel (D14)
Title: STIFFER SENTENCING ENHANCEMENT FOR BRANDISHING A FIREARM
Summary: Amends the Criminal Sentencing Act by adding another layer of enhancement to an existing law which already provides for enhanced sentencing for a person who brandishes a firearm during the commission of a noncapital felony. Under existing law, for brandishing a firearm, the basic sentence is enhanced by three years; and for a second or subsequent offense the basic sentence is enhanced by five years (lesser enhancements for youth offenders). This bill would impose a stiffer enhanced sentence on repeat offenders by mandating that “any plea of guilty” to the noncapital felony “shall include a plea of guilty” to brandishing the firearm. A noteworthy consequence of the mandated plea to brandishing the firearm would significantly constrain prosecutorial discretion in plea bargaining.
Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products
Progress: Introduced
Status: 01/19/2022 – House Rules and Order of Business Committee
History: 01/13/2022—H Prefiled in the House.
 01/19/2022—H Introduced and referred to House Rules & Order of Business.
Comments: No action was taken on this legislation as it had yet to be found germane.

Bill: HB68
Sponsors: Dixon (D20)
Title: CRIMINAL THREATS AND PENALTIES FOR FIREARM POSSESSION AND USE
Summary: Governor’s Bill. Amends the Criminal Code to create the crime of criminal threat; increases or adds penalties for unlawful possession of a firearm and aggravated fleeing a law enforcement officer; enhances sentencing for use, brandishing, or discharge of a firearm in certain offenses; prohibits deadly weapons in a school zone.
Subjects: Criminal Code; Public Safety and Corrections; Schools and Teachers; Alcohol, Firearms and Tobacco Products
Progress: 1st House: Referred to Committee
Status: 01/19/2022 – House Consumer and Public Affairs Committee
History: 01/14/2022—H Prefiled in the House.
 01/19/2022—H Found Germane by Speaker Egolf pursuant to House Executive Message.
 01/19/2022—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2022—H Also referred to House Judiciary.
 01/19/2022—H Also referred to House Appropriations & Finance.
Scheduled: 01/29/2022—House Consumer and Public Affairs Committee,

Comments: 10:00 a.m., Room 317
 DPS noted that they support this legislation as it increases accountability; fleeing a law enforcement officer has a great impact on a community. LOPD noted that they had concerns with different sections of the bill; Section 6raises constitutional concerns as the enhancement would be based on facts not proven, in violation of Apprendi; on fleeing law enforcement, they noted that the law should be limited to marked vehicles; LOPD opposes penalty increases; and the new crime of threat does not require actual impact. A public member noted that passing a bill like this during a 30-day session would put the NMSC’s Criminal Code update on its head. Another public member noted that that there is too much in this bill to support it. Magistrate Judge agreed that this bill would be better handled in the NMSC’s Code update process, and that there were limits on judicial discretion, and that though work on these issues needs to be done, it has problems as written. AGO noted their support for the bill, particularly as it would address firearm violence; they disagreed that the bill would violate Apprendi as the fact-finder has to make an independent finding The committee split on a vote to support this legislation by a vote of 6-5 (LOPD, Magistrate Judge, and three public members against), with AOC abstaining.

Bill: HB69
Sponsors: Dixon (D20)
Title: CRIMES OF OPERATING A CHOP SHOP AND THEFT OF REGULATED MATERIALS
Summary: Governor’s Bill. (Similar to 2021 HB145) Amends the Criminal Code to create crimes related to illegal dismantling and recycling of vehicles and other metal: 1) operating a chop shop, a third degree felony; and 2) criminal damage to property by theft or attempted theft of regulated material, punishable based on the value of the material as either a petty misdemeanor, misdemeanor, or fourth degree felony. Amends the Sale of Recycled Materials Act to prohibit a metal dealer from receiving regulated material that the dealer knows is not lawfully possessed by the offeror.
Subjects: Criminal Code
Related: 2022:HB145
Progress: 1st House: Referred to Committee
Status: 01/26/2022 – House Judiciary Committee
History: 01/14/2022—H Prefiled in the House.
 01/19/2022—H Found Germane by Speaker Egolf pursuant to House Executive Message.
 01/19/2022—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2022—H Also referred to House Judiciary.
 01/19/2022—H Also referred to House Appropriations & Finance.
 01/26/2022—H Reported Do Pass by House Consumer & Public Affairs.
Comments: No action was taken on this legislation.

Bill: HB79
Sponsors: Ely (D23)
Title: SECOND DEGREE MURDER TIME AND SENTENCING
Summary: Governor’s Bill. (Related to 2022 HB25 and 2020 HB36) Amends the Criminal Code to eliminate the statute of limitations for second degree murder. Provides for a basic sentence of nine years for 2nd degree attempted murder, which is a third degree felony. Reformats and clarifies language concerning noncapital felony sentencing classifications and basic sentencing.
Subjects: Criminal Code; Public Safety and Corrections
Related: 2022:HB25; 2020:HB36
Progress: 1st House: Reported from Committees
Status: 01/28/2022 – House Judiciary Committee
History: 01/15/2022—H Prefiled in the House.
 01/19/2022—H Found Germane by Speaker Egolf pursuant to House Executive Message.
 01/19/2022—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2022—H Also referred to House Judiciary.

01/19/2022—H Also referred to House Appropriations & Finance.
 01/28/2022—H Reported Do Pass by House Consumer & Public Affairs.

Comments: LOPD noted that the language fix at the beginning of Section 3 is to ensure proper application of the sentences in the statute. AODA noted they support the bill given forensic advancements, that the difference between first and second degree murder are minor factors. A public member noted that amending second degree murder should be par of the NMSC's Criminal Code update process. DPS noted that they support this bill as the statute of limitations on second degree murder is a disservice to victims, and that it is necessary that victims have closure. The committee voted to support this legislation, as it is a necessary fix to the law, by a vote of 7-3 (LOPD and two public members against), with AOC and Magistrate Judge abstaining.

Bill: HB81
Sponsors: Cadena (D33)
Title: CONVICTION FINE FLEXIBILITY AND WAIVERS FOR INDIGENT PERSONS
Summary: (Endorsed by the Courts, Corrections, and Justice Committee) Offers new flexibility and changes the requirements for paying fines, fees and costs associated with conviction in criminal cases; expands community service options related to paying conviction-related court costs.
Subjects: Courts and Civil Matters; Criminal Code; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 01/28/2022 – House Judiciary Committee
History: 01/19/2022—H Found Germane by Speaker Egolf pursuant to Constitution.
 01/19/2022—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2022—H Also referred to House Judiciary.
 01/28/2022—H Reported Do Pass by House Consumer & Public Affairs.

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: HB84
Sponsors: Ely (D23)
Title: CRIME REDUCTION GRANT EXPANDED PURPOSES
Summary: Amends the Crime Reduction Grant Act to enumerate six additional allowable purposes for grants to Criminal Justice Coordinating Councils in judicial districts.
Subjects: Health and Medical Practice; Courts and Civil Matters; Criminal Code; State Affairs and State Agencies; Public Safety and Corrections; Public Finance and Budgets
Progress: 1st House: Referred to Committee
Status: 01/21/2022 – House Consumer and Public Affairs Committee
History: 01/19/2022—H Introduced and referred to House Rules & Order of Business.
 01/21/2022—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message.
 01/21/2022—H Also referred to House Consumer & Public Affairs.
 01/21/2022—H Also referred to House Judiciary.
Scheduled: 01/29/2022—House Consumer and Public Affairs Committee, 10:00 a.m., Room 317
Comments: NMSC noted that the additional purposes for the crime reduction grants in this bill have been discussed in the past, and that the present restrictions on grant purposes is somewhat limiting, and that this bill would have a positive change for the Crime Reduction Grant Act; they also noted that there is language in the special appropriation of \$2 million for the crime reduction grants tied to expansion of grant purposes. The committee voted to support this legislation unanimously.

Bill: HB85
Sponsors: Romero, A. (D46)
Title: MISSING IN NEW MEXICO EVENT
Summary: (Duplicate of 2022 SB13) Charges the Department of Public Safety, in collaboration with its Missing Persons Information Clearinghouse, to host an annual Missing in New Mexico event to support New Mexicans who are searching for missing relatives. Adds hosting the event to the duties of the Clearinghouse.
Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Family and Juveniles; Indians; Public Safety and Corrections
Related: 2022:SB13
Progress: Introduced
Status: 01/19/2022 – House Rules and Order of Business Committee
History: 01/19/2022—H Introduced and referred to House Rules & Order of Business.
Comments: No action was taken on this legislation as it had yet to be found germane.

Bill: HB86
Sponsors: Dixon (D20)
Title: LAW ENFORCEMENT RETENTION FUND AND RETENTION DISBURSEMENTS
Summary: Amends the Department of Public Safety Act to create the nonreverting Law Enforcement Retention Fund to provide retention differential disbursements for law enforcement officers and support for administration and compliance.
Subjects: Public Safety and Corrections; Appropriations
Progress: 1st House: Referred to Committee
Status: 01/24/2022 – House Appropriations and Finance Committee
History: 01/19/2022—H Found Germane by Speaker Egolf pursuant to Constitution.
 01/19/2022—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/19/2022—H Also referred to House Appropriations & Finance.
 01/24/2022—H Reported Do Pass by House Government, Elections & Indian Affairs.
Comments: No action was taken on this legislation.

Bill: HB96
Sponsors: Chasey (D18)
Title: VIOLENCE INTERVENTION PROGRAM ACT
Summary: (For the Courts, Corrections and Justice Committee) Creates a nonreverting fund to be administered by the Department of Health to award grant funding to counties, municipalities or tribal governments that the department finds to have been “disproportionately impacted by violent crimes,” which includes homicides, shootings and aggravated assaults. Would make a \$10 million appropriation from the General Fund to the new Violence Intervention Program Fund to be spent starting in FY 2023. No more than three percent of the balance in the fund can be spent in any fiscal year for administration. DOH is given rulemaking authority to administer the act, including standardized rules pertaining to collection and sharing of data by grantees.
Subjects: Courts and Civil Matters; Public Safety and Corrections; Criminal Code; Health and Medical Practice; Municipalities/City Government; Indians
Progress: 1st House: Reported from Committees
Status: 01/28/2022 – House Appropriations and Finance Committee
History: 01/19/2022—H Found Germane by Speaker Egolf pursuant to Constitution.
 01/19/2022—H Introduced and referred to House Consumer & Public Affairs.
 01/19/2022—H Also referred to House Appropriations & Finance.
 01/28/2022—H Reported Do Pass by House Consumer & Public Affairs.
Comments: NMSC noted that they had just published a policy brief on approaches to street violence, and that the structure of this bill is

similar to that of the Crime Reduction Grant Act; they also noted that this approach should also be considered for one of the new purposes under the Act. The committee voted to support this legislation unanimously as it supports the movement to look at drivers of crime and support methods of addressing those drivers outside of a pure law enforcement approach.

Bill: HB99
Sponsors: Lane (R3)
Title: CRIME OF THREATENING JUDGE, MALICIOUS SHARING OF INFORMATION
Summary: Amends the Criminal Code to make threatening a judge or an immediate family member of a judge a fourth degree penalty. Makes malicious sharing of personal information of a judge or a judge's immediate family member a misdemeanor. Provisions apply to threats against a district court, appellate, metropolitan court, magistrate, or probate judge or supreme court justice.
Subjects: Criminal Code; Family and Juveniles
Progress: 1st House: Referred to Committee
Status: 01/21/2022 – House Consumer and Public Affairs Committee
History: 01/19/2022—H Introduced and referred to House Rules & Order of Business.
 01/21/2022—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message.
 01/21/2022—H Also referred to House Consumer & Public Affairs.
 01/21/2022—H Also referred to House Judiciary.
 01/21/2022—H Also referred to House Appropriations & Finance.
Scheduled: 01/29/2022—House Consumer and Public Affairs Committee, 10:00 a.m., Room 317
Comments: AOC noted that this is one of their bills; it has different elements than the other assault and harassment bills in statute; law enforcement has had difficulty in enforcing the existing laws on threats; other states have enacted similar laws; and our state law is not sufficient to address these kinds of threats. The committee voted to support this legislation, as it addresses incidents where judges or their family members have been harassed or threatened, by a vote of 10-2 (LOPD and a public member against).

Bill: HB100
Sponsors: Lane (R3)
Title: DEATH BENEFITS FOR PEACE OFFICERS
Summary: (Related to 2022 SB3) Increases death benefits to the family of a peace officer killed in the line of duty from \$250,000 to \$500,000. Requires Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Fund be maintained at a minimum balance of \$500,000, increased from a minimum of \$350,000, via distribution from the Law Enforcement Protection Fund.
Subjects: Public Safety and Corrections; Public Finance and Budgets; Insurance
Progress: Introduced
Status: 01/19/2022 – House Rules and Order of Business Committee
History: 01/19/2022—H Introduced and referred to House Rules & Order of Business.
Comments: No action was taken on this legislation as it had yet to be found germane.

Bill: HB106
Sponsors: Rehm (R31)
Title: RETIRED LAW ENFORCEMENT RETURN TO WORK
Summary: (Related to 2022 HB50) Permits a law enforcement officer who was retired as of December 31, 2021, under any municipal coverage plan, or a law enforcement officer under the state coverage plan 1 to return to work as a law enforcement officer for an affiliated public employer, under the following conditions:
Subjects: Public Safety and Corrections; Public Employees/Retirement
Related: 2022:HB50
Progress: 1st House: Referred to Committee

Status: 01/24/2022 – House Labor, Veterans' and Military Affairs Committee
History: 01/21/2022—H Introduced and referred to House Rules & Order of Business.
 01/24/2022—H Reported germane by House Rules & Order of Business.
 01/24/2022—H Also referred to House Labor, Veterans' & Military Affairs.
 01/24/2022—H Also referred to House Judiciary.

Bill: HB114
Sponsors: Matthews (D27)
Title: CRIMINAL JUSTICE DATA SHARING LEGAL FRAMEWORK
Summary: Appropriates \$400,000 (GF) to DFA's Local Government Division for use in FY2023 for Bernalillo County, in consultation with Albuquerque and the county's Criminal Justice Coordinating Council, to develop a legal framework for data-sharing agreements concerning criminal justice-based data integration efforts between criminal justice partners in Bernalillo County and throughout the state.
Subjects: County Affairs; Municipalities/City Government; Criminal Code; Public Safety and Corrections; Appropriations
Progress: 1st House: Referred to Committee
Status: 01/21/2022 – House Government, Elections and Indian Affairs Committee
History: 01/21/2022—H Found Germane by Speaker Egolf pursuant to Constitution.
 01/21/2022—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/21/2022—H Also referred to House Appropriations & Finance.
Scheduled: 01/28/2022—House Government, Elections and Indian Affairs Committee, 8:30 a.m., Room 305

Bill: HB124
Sponsors: Brown (R55)
Title: ADDITION JUDGES FOR 5TH AND 13TH JUDICIAL DISTRICTS
Summary: (Endorsed by the Courts, Corrections and Justice Committee) Creates additional judgeships in the 5th Judicial District (to 12 judges) and the 13th Judicial District (to 9 judges) and appropriates \$306,800 (GF) to each district for use in FY2023 to cover costs associated with the new judgeship, including salaries and benefits for the judge and staff, furniture, equipment and supplies.
Subjects: Appropriations; Courts and Civil Matters; Public Finance and Budgets
Progress: 1st House: Referred to Committee
Status: 01/24/2022 – House Judiciary Committee
History: 01/24/2022—H Found Germane by Speaker Egolf pursuant to Constitution.
 01/24/2022—H Introduced and referred to House Judiciary.
 01/24/2022—H Also referred to House Appropriations & Finance.
Scheduled: 01/28/2022—House Judiciary Committee, 1:30 p.m., Room309

Bill: HB133
Sponsors: Hernandez (R60)
Title: MUNICIPAL COURT AUTHORITY TO ORDER VICTIM RESTITUTION
Summary: Relates to victim restitution and clarifies that municipal courts have statutory authority to order restitution for violations of municipal ordinances.
Subjects: Criminal Code; Courts and Civil Matters; Municipalities/City Government
Progress: Introduced
Status: 01/24/2022 – House Rules and Order of Business Committee
History: 01/24/2022—H Introduced and referred to House Rules & Order of Business.

Bill: HB136
Sponsors: Sarinana (D21)
Title: EXCLUSION FOR SCHOOLS FROM CRIMINAL OFFENDER EMPLOYMENT ACT
Summary: Amends the Criminal Offender Employment Act to exclude school districts that are reviewing whether an applicant for employment has ever been investigated for or found guilty of child abuse or neglect, sexual misconduct, or any sexual offense. If the allegations are false or unsubstantiated, the provisions of the act apply; however, a school district may choose to apply the provisions of the act to its employment decisions.
Subjects: Criminal Code; Schools and Teachers
Progress: 1st House: Referred to Committee
Status: 01/25/2022 – House Rules and Order of Business Committee
History: 01/25/2022—H Introduced and referred to House Rules & Order of Business.

Bill: HB140
Sponsors: Rehm (R31)
Title: NO STATUTE OF LIMITATIONS FOR SECOND DEGREE MURDER
Summary: (Related to 2022 HB25, HB79) Amends the Criminal Code to eliminate the statute of limitations for prosecution of second degree murder.
Subjects: Criminal Code; Public Safety and Corrections
Related: 2022:HB25; 2022:HB79
Progress: 1st House: Referred to Committee
Status: 01/25/2022 – House Consumer and Public Affairs Committee
History: 01/25/2022—H Found Germane by Speaker Egolf pursuant to House Executive Message.
 01/25/2022—H Introduced and referred to House Consumer & Public Affairs.
 01/25/2022—H Also referred to House Judiciary.
 01/25/2022—H Also referred to House Appropriations & Finance.

Bill: HB141
Sponsors: Dixon (D20)
Title: DEATH BENEFITS FOR PEACE OFFICERS; LAW ENFORCEMENT FUND DISTRIBUTIONS
Summary: (Duplicate of 2022 SB3, related to 2022 HB100) Increases death benefits to the family of a peace officer killed in the line of duty from \$250,000 to \$1 million. Makes a number of changes to increase distributions from the Law Enforcement Protection Fund and increases the minimum balance in the Survivors Fund to \$1 million.
Subjects: Higher Education; County Affairs; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies; Public Safety and Corrections; Indians; Taxation, Fees and Audits
Related: 2022:SB3; 2022:HB100
Progress: 1st House: Referred to Committee
Status: 01/25/2022 – House Rules and Order of Business Committee
History: 01/25/2022—H Introduced and referred to House Rules & Order of Business.

Bill: HB156
Sponsors: Roybal Caballero (D13)
Title: CRIMINALIZING THE POSSESSION AND SALE OF LARGE-CAPACITY MAGAZINES
Summary: Would make it a crime to possess, use, manufacture, purchase, sell or transfer a large-capacity firearm magazine capable of holding more than 15 rounds of ammunition; appropriates \$1.5 million (GF) to the Department of Public Safety in FY 2023 to carry out the prohibition; reverts unspent money to GF.
Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products; Appropriations
Progress: 1st House: Referred to Committee
Status: 01/26/2022 – House Consumer and Public Affairs Committee
History: 01/26/2022—H Found Germane by Speaker Egolf pursuant to Constitution.

01/26/2022—H Introduced and referred to House Consumer & Public Affairs.
 01/26/2022—H Also referred to House Judiciary.
 01/26/2022—H Also referred to House Appropriations & Finance.

Bill: HJR4
Sponsors: Rehm (R31)
Title: CA: LEGISLATURE TO SET CONDITIONS FOR DENIAL OF BAIL
Summary: (Identical to 2021 HJR4) Proposes to amend Article 2, Section 13 of the NM Constitution to remove from the courts and delegate 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
Related: 2021:HJR4
Progress: 1st House: Referred to Committee
Status: 01/20/2022 – House Government, Elections and Indian Affairs Committee
History: 01/12/2022—H Prefiled in the House.
 01/20/2022—H Found Germane by Speaker Egolf pursuant to Constitution.
 01/20/2022—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/20/2022—H Also referred to House Judiciary.
Comments: NMSC noted that this constitutional amendment would go far beyond unwinding the bail amendment of 2016, but would take the state to a place regarding the use of bail it has never been since the constitution was passed over a century ago. AGO noted that provisions on bail should be in the constitution, not determined in the Legislature; that allowing the Legislature to set provisions on bail would fly in the face of voters in the state who have approved the present provisions; and that constitutional rights should be guaranteed under the constitution, not by statute. LOPD noted that this amendment to the constitution would expand the ability to deny release to misdemeanors who are not a danger. The committee voted not to support this legislation, as it goes against the will of the voters as expressed in prior constitutional amendments, and by giving the power to set prohibitions on bail by statute would undermine state constitutional norms, by a vote of 10-0, AODA abstaining.

Bill: HM11
Sponsors: Cadena (D33)
Title: TASK FORCE ON UNIFIED JAIL AND PRISON SYSTEM
Summary: (Duplicate of 2022 SM6) Requests the New Mexico Association of Counties to convene a task force of stakeholders to study the costs, benefits, and feasibility of transitioning the state to a unified jail and prison system.
Subjects: County Affairs; Courts and Civil Matters; Public Safety and Corrections
Related: 2022:SM6
Progress: 1st House: Reported from Committees
Status: 01/27/2022 – House Calendar
History: 01/20/2022—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/27/2022—H Reported Do Pass as amended by House Government, Elections & Indian Affairs.
Scheduled: 01/28/2022—House Calendar, 11:30 a.m., House Floor
Comments: NMCD noted that a unified system would likely not work given the size of the state and the number of jails, and that a discussion of these matters does not require a memorial. A public member noted that a UNM Law Review article in the 1980s recommended that the state move to a unified system. No action was taken on this legislation.

Bill: HM28
Sponsors: Fajardo (R7)
Title: MEMORIAL TO RECOGNIZE VICTIMS AND FAMILIES

Summary: OF VIOLENT CRIMES
Recognizes the victims of violent crimes and their families and their loss and suffering, noting that the homicide rate in Albuquerque increased 46 percent in 2021 to the highest number of homicides on record. A copy of the memorial was sent to the chair of the Crime Victims Reparation Commission.

Subjects: Miscellaneous; Criminal Code

Progress: Introduced

Status: 01/25/2022 – Speaker's Table

History: 01/25/2022—H Introduced and placed on Speaker's Table.

Scheduled: 01/28/2022—House Calendar, 11:30 a.m., House Floor

Bill: SB3

Sponsors: Munoz (D4)

Title: DEATH BENEFITS FOR PEACE OFFICERS; LAW ENFORCEMENT FUND DISTRIBUTIONS

Summary: Increases death benefits to the family of a peace officer killed in the line of duty from \$250,000 to \$1 million. Makes a number of changes to distributions from the Law Enforcement Protection Fund.

Subjects: Public Safety and Corrections; Indians; Higher Education; County Affairs; Municipalities/City Government

Related: 2022:HB100

Progress: 1st House: Referred to Committee

Status: 01/25/2022 – Senate Finance Committee

History: 01/18/2022—S Introduced and referred to Senate Committee's Committee.
01/18/2022—S Also referred to Senate Health and Public Affairs.
01/18/2022—S Also referred to Senate Finance.
01/19/2022—S Reported germane by Senate Committee's Committee.
01/25/2022—S Reported Do Pass as amended by Senate Health and Public Affairs.

Comments: DPS noted that they support this legislation as when officers are lost in the line of duty it has a tremendous impact on their families. The committee voted to support this legislation unanimously.

Bill: SB8

Sponsors: Wirth (D25); Martinez, J. (D11)

Title: NEW MEXICO VOTING RIGHTS ACT

Summary: Expands online voter registration, provides voting protections for Native Americans and creates a permanent voluntary absentee ballot request list as part of an abundance of changes meant to expand and protect voting rights in New Mexico, including 16-year-old voters.

Subjects: Elections

Progress: 1st House: Reported from Committees

Status: 01/27/2022 – Senate Rules Committee

History: 01/25/2022—S Introduced and referred to Senate Committee's Committee.
01/25/2022—S Also referred to Senate Rules.
01/25/2022—S Also referred to Senate Finance.
01/27/2022—S Reported germane by Senate Committee's Committee.

Bill: SB13

Sponsors: Lopez (D11)

Title: MISSING IN NEW MEXICO EVENT

Summary: Charges the Department of Public Safety, in collaboration with its Missing Persons Information Clearinghouse, to host an annual Missing in New Mexico event to support New Mexicans who are searching for missing relatives. Adds hosting the event to the duties of the Clearinghouse.

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

Related: 2022:HB85

Progress: 1st House: Passed

Status: 01/28/2022 – Passed in the Senate

History: 01/18/2022—S Introduced and referred to Senate Committee's

Committee.
01/18/2022—S Also referred to Senate Health and Public Affairs.
01/18/2022—S Also referred to Senate Judiciary.
01/19/2022—S Reported germane by Senate Committee's Committee.
01/25/2022—S Reported Do Pass as amended by Senate Health and Public Affairs.
01/27/2022—S Reported Do Pass by Senate Judiciary.
01/28/2022—S Opened for floor debate.
01/28/2022—S Passed 34-0.
Scheduled: 01/28/2022—Senate Calendar, 12:00 p.m., Senate Floor
Comments: No action was taken on this legislation.

Bill: SB29

Sponsors: O'Neill (D13)

Title: MEDICAL AND GERIATRIC PAROLE PROCEDURES

Summary: (Endorsed by the Courts, Corrections and Justice Committee) (Identical to 2021 SB114 as originally introduced) Amends the Probation and Parole Act to add parole procedures for geriatric, permanently incapacitated, and terminally ill inmates. Excludes inmates convicted of first degree murder. Repeals existing Sec. 31-21-25.1 which provides for medical and geriatric parole.

Subjects: Health and Medical Practice; Criminal Code; Public Safety and Corrections; Interim Studies and Interim Committees; Aging

Related: 2021:SB114

Progress: Introduced

Status: 01/18/2022 – Senate Committee's Committee

History: 01/18/2022—S Introduced and referred to Senate Committee's Committee.
01/18/2022—S Also referred to Senate Health and Public Affairs.
01/18/2022—S Also 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: SB34

Sponsors: Brandt (R40)

Title: SHOOTING THREATS A CRIME

Summary: (Identical to 2021 SB142; related to 2020 SB172) Adds a section to the Criminal Code making it a fourth-degree felony to make a shooting threat.

Subjects: Criminal Code; Public Safety and Corrections

Related: 2021:SB142; 2020:SB172

Progress: 1st House: Reported from Committees

Status: 01/24/2022 – Senate Judiciary Committee

History: 01/18/2022—S Introduced and referred to Senate Committee's Committee.
01/18/2022—S Also referred to Senate Judiciary.
01/18/2022—S Also referred to Senate Finance.
01/24/2022—S Reported germane by Senate Committee's Committee.

Scheduled: 01/28/2022—Senate Judiciary Committee, 1:30 p.m. or 1/2 hour after floor session, Room 321

Comments: No action was taken on this legislation.

Bill: SB43

Sponsors: Sedillo Lopez (D16)

Title: PROHIBITS LIFE SENTENCE WITHOUT PAROLE FOR YOUTHFUL OFFENDER

Summary: (For the Courts, Corrections and Justice Committee) (Similar to 2021 SB247) Prohibits the imposition on minors convicted of serious crimes from being sentenced to life imprisonment without the possibility of release or parole. Applies to current and future prisoners.

Subjects: Public Safety and Corrections; Family and Juveniles; Criminal Code

Related: 2021:SB247

Progress: 1st House: Reported from Committees

Status: 01/25/2022 – Senate Health and Public Affairs Committee

History: 01/18/2022—S Introduced and referred to Senate Committee's

Committee.
 01/18/2022—S Also referred to Senate Health and Public Affairs.
 01/18/2022—S Also referred to Senate Judiciary.
 01/25/2022—S Reported germane by Senate Committee's Committee.
Scheduled: 01/28/2022—Senate Health and Public Affairs Committee, 1:30 p.m. or 1/2 hour after floor session, Room 311
Comments: A public member noted that this bill has been heard many times before, and the language ow in the bill with a 15 year first hearing and hearings every 5 years thereafter represents a compromise from the original language of the initial hearing taking place after 10 years. AODA noted that they did not agree with the 15-year time frame and would have compromised to 20 years, and they oppose the bill as written. The committee voted to support this legislation, as second chance legislation is important, especially give what we now know about brain science in emerging adults, by a vote of 8-2 (AOC and a public member against), with AOC and DPS abstaining.

Bill: SB64
Sponsors: Stefanics (D39)
Title: CYFD DOMESTIC VIOLENCE SUPPORT SERVICES FUNDS
Summary: (For the Legislative Health and Human Services Committee) Makes a \$5 million appropriation (GF, nonreverting) to the Children, Youth and Families Department for use in FY2023 and subsequent fiscal years for domestic violence support services.
Subjects: Family and Juveniles; Public Safety and Corrections; Appropriations; Courts and Civil Matters
Progress: 1st House: Reported from Committees
Status: 01/28/2022 – Senate Finance Committee
History: 01/19/2022—S Introduced and referred to Senate Committee's Committee.
 01/19/2022—S Also referred to Senate Health and Public Affairs.
 01/19/2022—S Also referred to Senate Finance.
 01/20/2022—S Reported germane by Senate Committee's Committee.
 01/28/2022—S Reported Do Pass by Senate Health and Public Affairs.
Comments: No action was taken on this legislation.

Bill: SB120
Sponsors: Hickey (D20)
Title: ENHANCED SENTENCING FOR BRANDISHING A FIREARM
Summary: (Related to 2022 HB64) Amends the Criminal Sentencing Act to enhance sentencing for brandishing a firearm during the commission of a noncapital felony.
Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products
Related: 2022:HB64
Progress: 1st House: Reported from Committees
Status: 01/24/2022 – Senate Judiciary Committee
History: 01/20/2022—S Introduced and referred to Senate Committee's Committee.
 01/20/2022—S Also referred to Senate Judiciary.
 01/20/2022—S Also referred to Senate Finance.
 01/24/2022—S Reported germane by Senate Committee's Committee.
Scheduled: 01/28/2022—Senate Judiciary Committee, 1:30 p.m. or 1/2 hour after floor session, Room 321
Comments: LOPD noted that this section of law was already amended to increase enhancements in 2020. No action was taken on this legislation.

Bill: SB144
Sponsors: Duhigg (D10)
Title: ACTS OF INTIMIDATION AGAINST ELECTION CLERKS AND AGENTS
Summary: Amends the crime of intimidation to include inducing or

attempting to induce fear in any employee or agent of the Secretary of State, a County Clerk, a Municipal Clerk, or a member of an election board for the purpose of impeding the free exercise or impartial administration of elections; such intimidation is a 4th degree felony.
Subjects: Criminal Code; Public Employees/Retirement; County Affairs; Municipalities/City Government; State Affairs and State Agencies
Progress: 1st House: Reported from Committees
Status: 01/27/2022 – Senate Judiciary Committee
History: 01/24/2022—S Introduced and referred to Senate Committee's Committee.
 01/24/2022—S Also referred to Senate Judiciary.
 01/24/2022—S Also referred to Senate Finance.
 01/27/2022—S Reported germane by Senate Committee's Committee.

Bill: SB156
Sponsors: Schmedes (R19)
Title: PRETRIAL RELEASE HEARING STANDARDS
Summary: (Almost identical to 2020 HB203) Adds sections to the Criminal Code to establish eligibility of defendants for pretrial release and to require the posting of a bond if a defendant is on release for another matter; bars courts from relying on an independent risk assessment tool or program in determining eligibility for pretrial release.
Subjects: Courts and Civil Matters; Criminal Code; Public Safety and Corrections
Related: 2020:HB203
Progress: 1st House: Reported from Committees
Status: 01/25/2022 – Senate Health and Public Affairs Committee
History: 01/24/2022—S Introduced and referred to Senate Committee's Committee.
 01/24/2022—S Also referred to Senate Health and Public Affairs.
 01/24/2022—S Also referred to Senate Judiciary.
 01/25/2022—S Reported germane by Senate Committee's Committee.

Bill: SB166
Sponsors: Hamblen (D38)
Title: SERVICES FOR RECENTLY RELEASED INCARCERATED INDIVIDUALS
Summary: Appropriates \$2.1 million (GF) to the Human Services Department for use in FY2023 to provide transitional housing and behavioral health services for individuals recently released from incarceration.
Subjects: Appropriations; Human Services; Public Safety and Corrections; Health and Medical Practice; Land, Housing and Real Estate
Progress: 1st House: Reported from Committees
Status: 01/26/2022 – Senate Health and Public Affairs Committee
History: 01/25/2022—S Introduced and referred to Senate Committee's Committee.
 01/25/2022—S Also referred to Senate Health and Public Affairs.
 01/25/2022—S Also referred to Senate Finance.
 01/26/2022—S Reported germane by Senate Committee's Committee.

Bill: SB167
Sponsors: Baca, G. (R29)
Title: DUAL DISPOSITION OF YOUTHFUL OFFENDER AMENABLE TO TREATMENT
Summary: (Very similar to 2020 SB197) Amends the Delinquency Act to allow for dual disposition of a youthful offender found by court to be amenable to treatment, by imposing both a juvenile disposition and a delayed adult criminal sentence, which is suspended but can be executed by the court on finding of a violation of the terms of the suspension due to a subsequent violation.
Subjects: Criminal Code; Family and Juveniles; Public Safety and Corrections

Related: 2020:SB197
Progress: 1st House: Reported from Committees
Status: 01/26/2022 – Senate Health and Public Affairs Committee
History: 01/25/2022—S Introduced and referred to Senate Committee's Committee.
01/25/2022—S Also referred to Senate Health and Public Affairs.
01/25/2022—S Also referred to Senate Judiciary.
01/26/2022—S Reported germane by Senate Committee's Committee.

Bill: SM6
Sponsors: Neville (R2)
Title: TASK FORCE ON UNIFIED JAIL AND PRISON SYSTEM
Summary: Requests the New Mexico Association of Counties to convene a task force of stakeholders to study the costs, benefits, and feasibility of transitioning the state to a unified jail and prison system.
Subjects: County Affairs; Courts and Civil Matters; Public Safety and Corrections
Progress: Introduced
Status: 01/19/2022 – Senate Rules Committee
History: 01/19/2022—S Introduced and referred to Senate Rules.
01/19/2022—S Also referred to Senate Judiciary.
Comments: NMCD noted that a unified system would likely not work given the size of the state and the number of jails, and that a discussion of these matters does not require a memorial. A public member noted that a UNM Law Review article in the 1980s recommended that the state move to a unified system. No action was taken on this legislation.