

## New Mexico Sentencing Commission Bill Tracker (2022 Reg)

<p><b>Bill:</b> HB5  <b>Sponsors:</b> Matthews (D27)  <b>Title:</b> REBUTTABLE PRESUMPTION OF DANGER TO THE COMMUNITY FOR CERTAIN CRIMES  <b>Summary:</b> (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.  <b>Subjects:</b> Criminal Code; Courts and Civil Matters  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/31/2022 – House Judiciary Committee  <b>History:</b> 01/19/2022—H Introduced and referred to House Rules &amp; 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 &amp; Indian Affairs.  01/20/2022—H Also referred to House Judiciary.  01/31/2022—H Reported Do Pass by House Government, Elections &amp; Indian Affairs.</p> <p><b>Comments:</b> 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.</p>	<p><b>Bill:</b> HB16  <b>Sponsors:</b> Garcia, Miguel (D14)  <b>Title:</b> FUND ADVOCATES FOR VICTIMS OF CRIME  <b>Summary:</b> 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.  <b>Subjects:</b> Appropriations; Criminal Code; Alcohol, Firearms and Tobacco Products  <b>Progress:</b> 1st House: Referred to Committee  <b>Status:</b> 01/25/2022 – House Appropriations and Finance Committee  <b>History:</b> 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 &amp; Human Services.  01/19/2022—H Also referred to House Appropriations &amp; Finance.  01/25/2022—H Reported Do Pass by House Health &amp; Human Services.</p> <p><b>Comments:</b> 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.</p>
<p><b>Bill:</b> HB9  <b>Sponsors:</b> Herndon (D28); Ivey-Soto (D15)  <b>Title:</b> PENALTIES FOR GUN OWNERS OF WEAPONS ACCESED BY MINORS  <b>Summary:</b> Makes it a crime for minors to access a firearm except with parental or guardian consent and imposes penalties.  <b>Subjects:</b> Criminal Code; Family and Juveniles  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/28/2022 – House Judiciary Committee  <b>History:</b> 01/21/2022—H Introduced and referred to House Rules &amp; Order of Business.  01/24/2022—H Reported germane by House Rules &amp; Order of Business.  01/24/2022—H Also referred to House Consumer &amp; Public Affairs.  01/24/2022—H Also referred to House Judiciary.  01/24/2022—H Also referred to House Appropriations &amp; Finance.  01/28/2022—H Reported without recommendation by House Consumer &amp; Public Affairs.  <b>Scheduled:</b> 02/04/2022—House Judiciary Committee, 1:30 p.m., Room 309</p>	<p><b>Bill:</b> HB25  <b>Sponsors:</b> Rehm (R31)  <b>Title:</b> STATUTE OF LIMITATION, SECOND DEGREE MURDER AND DRUG TRAFFICKING  <b>Summary:</b> (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.  <b>Subjects:</b> Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections  <b>Related:</b> 2021:HB62; 2020:HB26; 2019:HB104  <b>Progress:</b> Introduced  <b>Status:</b> 01/24/2022 – House Rules and Order of Business Committee  <b>History:</b> 01/05/2022—H Prefiled in the House.  01/19/2022—H Introduced and referred to House Rules &amp; Order of Business.  01/24/2022—H Reported Not germane by House Rules &amp; Order of Business.</p> <p><b>Comments:</b> No action was taken on this legislation as it was found to be not germane.</p>
	<p><b>Bill:</b> HB26  <b>Sponsors:</b> Rehm (R31)  <b>Title:</b> FIREARMS AND CONTROLLED SUBSTANCE TRAFFICKING PENALTY  <b>Summary:</b> (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.  <b>Subjects:</b> Criminal Code; Alcohol, Firearms and Tobacco Products; Public Safety and Corrections  <b>Related:</b> 2021:HB81; 2020:HB114  <b>Progress:</b> 1st House: Referred to Committee  <b>Status:</b> 01/24/2022 – House Consumer and Public Affairs Committee  <b>History:</b> 01/05/2022—H Prefiled in the House.  01/19/2022—H Introduced and referred to House Rules &amp; Order of Business.</p>

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:** 02/01/2022 – House Calendar  
**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.  
 02/01/2022—H Reported Do Pass by House Judiciary.

**Scheduled:** 02/04/2022—House Calendar, 10:30 a.m., House Floor  
**Comments:** LOPD noted that supplies to test drugs like fentanyl are currently illegal. The committee voted to support this legislation unanimately, as it can reduce harm done to people.

**Bill:** HB53  
**Sponsors:** Rehm (R31)  
**Title:** COURT ORDERED CHEMICAL BLOOD TESTS IN DWI OR

**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: Reported from Committees

**Status:** 01/31/2022 – 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.  
01/31/2022—H Reported without recommendation as amended by House Consumer & Public Affairs.

**Scheduled:** 02/04/2022—House Judiciary Committee, 1:30 p.m., Room 309

**Comments:** 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 raises 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: Reported from Committees

**Status:** 02/01/2022 – House Appropriations and Finance 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.  
 02/01/2022—H Reported Do Pass as amended by House Judiciary.  
**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:** 02/03/2022 – House Appropriations and Finance 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.  
 02/03/2022—H Reported Do Pass by House Judiciary.  
**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:** 02/01/2022 – House Calendar  
**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.  
 02/01/2022—H Reported Do Pass by House Judiciary.  
**Scheduled:** 02/04/2022—House Calendar, 10:30 a.m., House Floor  
**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: Reported from Committees  
**Status:** 01/31/2022 – House Judiciary 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.  
 01/31/2022—H Reported Do Pass by House Consumer & Public Affairs.  
**Scheduled:** 02/04/2022—House Judiciary Committee, 1:30 p.m., Room 309  
**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: Reported from Committees  
**Status:** 02/03/2022 – House Judiciary 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.  
 01/31/2022—H Reported Do Pass as amended by House Consumer & Public Affairs.  
 02/03/2022—H Referral withdrawn from House Appropriations & Finance.  
**Scheduled:** 02/04/2022—House Judiciary Committee, 1:30 p.m., Room 309  
**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: Public Safety and Corrections; Public Employees/Retirement 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.  
**Comments:** Meeting of 1 Feb 22: DPS noted that it is important to get the expertise of retired officers back into law enforcement agencies, and that the bill would help to solve challenges agencies have had in recruitment. NMCD confirmed that the bill would also permit correctional officers to return, and that returning officers would have to have active certification. AOC noted that the bill would also allow court security officers to return. The committee voted to support this legislation, as it would help to solve problems with recruitment, unanimously.

**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: Reported from Committees  
**Status:** 01/31/2022 – House Appropriations and Finance 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.  
 01/31/2022—H Reported Do Pass by House Government, Elections & Indian Affairs.

**Comments:** Meeting of 1 Feb 22: NMSC noted that this appropriation would support the wider criminal justice data sharing and integration work the Commission is already undertaking. No action was taken on this legislation.

**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: Reported from Committees  
**Status:** 01/31/2022 – House Appropriations and Finance 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.  
 01/31/2022—H Reported Do Pass as amended by House Judiciary.  
**Comments:** Meeting of 1 Feb 22: AOC noted that this was part of the Judiciary’s Unified Budget recommendation; the new judges are based on a workload study that finished in 2020; a judge would be added to Eddy County and one to Sandoval County; there is also a one-time appropriation to cover the judge and staff; the judge in the 13th is meant to handle civil cases. AODA noted that while the new judgeships might not impact caseloads, it could have an effect on the persons needed to cover the cases in the new courts for both prosecutors or defense. A public member noted opposition to expansion of the Judiciary unless there was also work done to close the gap in the criminal defense system, which a recent ABA study showed was short by one third; prosecutors and defense attorneys are consistently asked to do more with less. NMSC noted the need for AODA to have a new workload study, and that the Legislature should appropriate funds for one. The committee voted to support this legislation, to support the workload in the Judicial Branch, by a vote of 7-3 (AODA and two public members against).

**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.  
**Comments:** Meeting of 1 Feb 22: DPS noted that restitution in municipal ordinances is important, as it is common for a victim not to be able to get restitution unless a case is moved to District Court; the issue is important to communities dealing with low level crimes. NMSC noted that there is a drafting issue as the bill does not define what an “applicable municipal ordinance” means, and thus it is not clear to what crimes restitution would apply. A public member noted that while in principle this is a good idea, there needs to be a cap on what amounts of restitution could be imposed by a municipal court. LOPD noted that there could be concerns with what enforcement would look like. The committee voted to table the bill until more information was obtained.

**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: Reported from Committees  
**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.  
**Comments:** Meeting of 1 Feb 22: NMSC noted that this bill seems to misunderstand how the Criminal Offender Employment Act works, as there is nothing in the Act that would prohibit school districts from doing background checks during an application process; additionally, it is not clear whether a background check only for specific crimes would be possible. No action was taken on this legislation.

**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.  
**Comments:** Meeting of 1 Feb 22: DPS noted that the statute of limitations on second degree murder needs to be removed, especially as it inhibits victims of these murders from getting their needed closure. The committee voted to support this legislation, as the law needs to be amended, by a vote of 6-3 (LOPD and two public members against), with AOC abstaining.

**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.  
**Comments:** Meeting of 1 Feb 22: 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:** 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.  
**Comments:** Meeting of 1 Feb 22: DPS noted that they had mixed opinions on this bill; banning capacity of magazines would likely have limited impact on crime; and it potentially runs afoul of the Second Amendment; additionally, there is no exception made for law enforcement officers who might be between jobs, and thus could inadvertently run afoul of the law. A public member noted that the bill seems only to address semi-automatic weapons, not fully automatic. The committee voted not to support this legislation, due to the noted problems with the bill, by a vote of 8-0, with AOC and AGO abstaining.

**Bill:** HB162  
**Sponsors:** Powdrell-Culbert (R44)  
**Title:** BLUE ALERT ACT  
**Summary:** Creates the Blue Alert Act in Chapter 29 to direct the New Mexico State Police to develop and implement a Blue Alert Notification Plan for rapid dissemination of information about a suspect in the killing or serious injury of a law enforcement officer. Establishes a framework for the plan. Permits all law enforcement agencies in the state to initiate an alert pursuant to that plan, or to develop and implement a local plan.  
**Subjects:** County Affairs; Municipalities/City Government; State Affairs and State Agencies; Public Safety and Corrections; Telecommunications  
**Progress:** Introduced  
**Status:** 01/28/2022 – House Rules and Order of Business Committee  
**History:** 01/28/2022—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB193  
**Sponsors:** Sarinana (D21)  
**Title:** PUBLIC SCHOOL PERSONNEL AND VOLUNTEERS TO UNDERGO CRIMINAL HISTORY RECORD CHECK  
**Summary:** Amends the School Personnel Act to require the Public Education Department and the Department of Public Safety to conduct a Criminal History Record Check on all applicants for licensure, volunteers, contractors or contractor employees. If necessary to protect student safety, PED also authorized to conduct criminal background check on current licensee. Amends the process for required criminal history record checks and imposes confidentiality requirements.  
**Subjects:** Labor; Family and Juveniles; Criminal Code; Schools and Teachers  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/02/2022 – House Education Committee  
**History:** 02/02/2022—H Found Germane by Speaker Egolf pursuant to Constitution.  
 02/02/2022—H Introduced and referred to House Education.  
 02/02/2022—H Also referred to House Government, Elections & Indian Affairs.

**Bill:** HB196  
**Sponsors:** Pettigrew (R61)  
**Title:** LAW ENFORCEMENT PROTECTION FUND A NONREVERTING FUND  
**Summary:** Amends Sec. 29-13-2 relating to the Law Enforcement Protection Fund to do away with the requirement that balances in excess of \$100,000 to be transferred annually from the Fund to the General Fund. Specifies that money in the fund shall not revert to the General Fund at the end of each fiscal year.  
**Subjects:** Appropriations; Public Finance and Budgets; State Affairs and State Agencies; Public Safety and Corrections  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/02/2022 – House Judiciary Committee  
**History:** 02/02/2022—H Found Germane by Speaker Egolf pursuant to Constitution.  
 02/02/2022—H Introduced and referred to House Judiciary.  
 02/02/2022—H Also referred to House Appropriations & Finance.

**Bill:** HB197  
**Sponsors:** Dow (R38)  
**Title:** CYFD CABINET SECRETARY POSITION ABOLISHED AND REPLACED BY BOARD  
**Summary:** Creates a three-member governing board that is empowered to organize and direct the activities of the Children, Youth and Families Department and the related act; abolishes the position of Secretary of the Department and strips the governor of existing authority to abolish or create divisions by executive order in the interest of efficiency and economy. The Legislature would have authority to appoint the majority of the Board members who would manage this Executive agency.  
**Subjects:** Legislature; State Affairs and State Agencies; Family and Juveniles  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/02/2022 – House Rules and Order of Business Committee  
**History:** 02/02/2022—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB203  
**Sponsors:** Townsend (R54)  
**Title:** FALSE STATEMENT IN A LEGISLATIVE PROCEEDING A PERJURY  
**Summary:** (Related to 2022 HR4) Amends the Criminal Code to include knowingly making a false statement in testimony in any proceeding before the Legislature, including any hearing of a standing or interim legislative committee, in the definition of perjury. Applies regardless of whether the statement is made under oath, affirmation, or penalty of perjury. Does not apply to a public statement made during public comment at a hearing of a standing or interim legislative committee.  
**Subjects:** Criminal Code; Legislature; Interim Studies and Interim Committees  
**Related:** 2022:HR4  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/02/2022 – House Rules and Order of Business Committee  
**History:** 02/02/2022—H Introduced and referred to House Rules & Order of Business.

**Bill:** HB204  
**Sponsors:** Anderson (R66)  
**Title:** SEXUAL ASSAULT VICTIM SERVICES  
**Summary:** Appropriates \$750,000 (GF) to the Crime Victims Reparation Commission for use in FY2023 and subsequent fiscal years to provide sexual assault programs.  
**Subjects:** Appropriations; Public Safety and Corrections; Civil Rights; Human Services  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/02/2022 – House Appropriations and Finance Committee  
**History:** 02/02/2022—H Found Germane by Speaker Egolf pursuant to Constitution.  
 02/02/2022—H Introduced and 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:** 02/04/2022—House Calendar, 10:30 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 OF VIOLENT CRIMES  
**Summary:** 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

**Subjects:** of homicides on record. A copy of the memorial was sent to the chair of the Crime Victims Reparation Commission.  
**Progress:** Miscellaneous; Criminal Code  
**Status:** Introduced  
**History:** 01/25/2022 – Speaker's Table  
**Scheduled:** 01/25/2022—H Introduced and placed on Speaker's Table.  
**Comments:** 02/04/2022—House Calendar, 10:30 a.m., House Floor Meeting of 1 Feb 22: No action was taken on this legislation.

**Bill:** HM35  
**Sponsors:** Herndon (D28)  
**Title:** TASK FORCE ON INCENTIVES FOR LAW OFFICER RETENTION AND HIRING  
**Summary:** Requests that DPS convene a task force to make recommendations to provide incentives for law enforcement officer retention for 25 years or for lateral hiring of officers from out-of-state agencies.  
**Subjects:** Public Safety and Corrections; Public Employees/Retirement; Municipalities/City Government; Interim Studies and Interim Committees  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/31/2022 – House Government, Elections and Indian Affairs Committee  
**History:** 01/31/2022—H Introduced and referred to House Government, Elections & Indian Affairs.

**Bill:** HM38  
**Sponsors:** Romero, A. (D46)  
**Title:** REPORT ON EMERGENCY RESPONSE TRAINING GAPS  
**Summary:** Memorial requesting the Department of Public Safety to conduct a statewide study to assess gaps in law enforcement and first responder training related to how officers respond to culturally diverse groups and communities in New Mexico, sexual assault cases and LGBTQ communities in emergency situations.  
**Subjects:** Public Safety and Corrections; Civil Rights  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/31/2022 – House Consumer and Public Affairs Committee  
**History:** 01/31/2022—H Introduced and referred to House Consumer & Public Affairs.

**Bill:** HR4  
**Sponsors:** Townsend (R54)  
**Title:** REQUIRING EXPERT TESTIMONY TO BE UNDER OATH  
**Summary:** Would amend the House rules to require that those offering expert witness testimony during House committee hearings swear that they will not knowingly make false statements to a House committee.  
**Subjects:** Legislature  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/31/2022 – House Rules and Order of Business Committee  
**History:** 01/31/2022—H Introduced and referred to House Rules & Order of Business.

**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 in local elections.  
**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.  
**Scheduled:** 02/04/2022—Senate Rules Committee, 9:00 a.m., Room 321  
**Comments:** Meeting of 1 Feb 22: NMCD noted that none of the sponsors had reached out to NMCD about the changes surrounding felon voting in this bill. The committee voted to table the bill until more information was obtained.

**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:** 2nd House: Referred to Committee  
**Status:** 02/01/2022 – House Government, Elections and Indian 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.  
 01/19/2022—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.  
 02/01/2022—H Received in the House and referred to House Government, Elections & Indian Affairs.  
**Scheduled:** 02/04/2022—House Energy, Environment and Natural Resources Committee, 8:30 a.m., Room 305  
 02/04/2022—House Government, Elections and Indian Affairs Committee, 8:30 a.m., Room 305  
**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 2021:SB114  
**Related:**  
**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:** 02/01/2022 – Senate Finance Committee  
**History:** 01/18/2022—S Introduced and referred to Senate Committee's Committee.  
 01/18/2022—S Also referred to Senate Judiciary.  
 01/18/2022—S Also referred to Senate Finance.  
 01/24/2022—S Reported germane by Senate Committee's Committee.  
 02/01/2022—S Reported Do Pass as amended by Senate Judiciary.  
**Scheduled:** 02/04/2022—Senate Finance Committee, 1:30 p.m. or 1/2 hour after floor session or at Call of the Chair, Room 322  
**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:** 01/31/2022 – Senate Judiciary Committee  
**History:** 01/18/2022—S Introduced and referred to Senate Committee's Committee.  
 01/18/2022—S Also referred to Senate Health and Public Affairs.  
 01/18/2022—S Also referred to Senate Judiciary.  
 01/25/2022—S Reported germane by Senate Committee's Committee.  
 01/31/2022—S Reported Do Pass by Senate Health and Public Affairs.  
**Scheduled:** 02/04/2022—Senate Judiciary Committee, 1:30 p.m. or 1/2 hour after floor session, Room 321  
**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.  
**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:** 02/03/2022 – Senate Finance 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.  
 02/03/2022—S Reported Do Pass as amended by Senate Judiciary.

**Comments:** Meeting of 1 Feb 22: No action was taken on this legislation.

**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:** 02/03/2022 – Senate Judiciary Committee  
**History:** 01/24/2022—S Introduced and referred to Senate Committee's Committee.  
 01/24/2022—S Also referred to Senate Health and Public Affairs.  
 01/24/2022—S Also referred to Senate Judiciary.  
 01/25/2022—S Reported germane by Senate Committee's Committee.  
 02/03/2022—S Reported Do Not Pass but Substituted without recommendation by Senate Health and Public Affairs.

**Comments:** Meeting of 1 Feb 22: LOPD noted that the bill conflicts with the state constitution by placing the burden of proof on a defendant, when the constitution contemplates that an assessment be made for each defendant and the defendant not have that burden. The committee voted not to support this legislation, as it runs contrary to the state constitution, by a vote of 8-1 (AODA against), with DPS and NMCD abstaining.

**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:** 02/03/2022 – Senate Finance 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.  
 02/03/2022—S Reported Do Pass by Senate Health and Public Affairs.

**Comments:** Meeting of 1 Feb 22: A public member noted that this is a critical area for those released, and that funding for such services is desperately needed. LOPD noted that such services help to decrease recidivism and thus improve public safety; in particular, lack of services means that there is often a struggle to craft a parole plan for people, which means that they stay incarcerated for a greater length of time, which increases the financial burden on the state unnecessarily. The committee voted to support this legislation, as it funds important services, unanimously.

**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.

**Scheduled:** 02/04/2022—Senate Health and Public Affairs Committee, 1:30 p.m. or 1/2 hour after floor session, Room 311

**Comments:** Meeting of 1 Feb 22: AODA noted that this bill only addresses youthful offenders, and that it would provide more flexibility for sentencing this group of offenders. LOPD noted that the bill would change the amenability process, and that youth transferred to the adult system have a greater probability of recidivating. A public member noted that this type of sentencing has been around for 20 years, and often ends up as a channel adult sentences for juveniles. Another public member said that any legislation this complicated should be reviewed by the Commission's Juvenile Committee. DPS noted that while they are in favor of avoiding sentencing juveniles as adults, young people need a chance to learn from their mistakes, and that this bill would need review. The committee split on a vote not to support this legislation by a vote of 5-0, but with AOC, AODA, AGO, DPS, NMCD, Magistrate Judge abstaining.

**Bill:** SB189

**Sponsors:** Lopez (D11)

**Title:** REBUTTABLE PRESUMPTION OF DANGER TO THE COMMUNITY FOR CERTAIN CRIMES

**Summary:** (Governor's Bill) (Duplicate of 2022 HB5) 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; Public Safety and Corrections

**Related:** 2022:HB5

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

**Status:** 02/01/2022 – Senate Health and Public Affairs Committee

**History:** 01/31/2022—S Introduced and referred to Senate Committee's Committee.  
01/31/2022—S Also referred to Senate Health and Public Affairs.  
01/31/2022—S Also referred to Senate Judiciary.  
02/01/2022—S Reported germane by Senate Committee's Committee.

**Scheduled:** 02/04/2022—Senate Health and Public Affairs Committee, 1:30 p.m. or 1/2 hour after floor session, Room 311

**Bill:** SB197

**Sponsors:** Hemphill (D28)

**Title:** CRIME VICTIMS REPARATIONS

**Summary:** Appropriates \$5 million (GF) to the Crime Victims Reparation Commission for use in FY2023 and subsequent fiscal years to provide sexual assault services programs.

**Subjects:** Appropriations; Criminal Code; Miscellaneous

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

**Status:** 02/01/2022 – Senate Health and Public Affairs Committee

**History:** 01/31/2022—S Introduced and referred to Senate Committee's Committee.  
01/31/2022—S Also referred to Senate Health and Public Affairs.  
01/31/2022—S Also referred to Senate Finance.

02/01/2022—S Reported germane by Senate Committee's Committee.

**Scheduled:** 02/04/2022—Senate Health and Public Affairs Committee, 1:30 p.m. or 1/2 hour after floor session, Room 311

**Bill:** SB208

**Sponsors:** Cervantes (D31)

**Title:** CLARIFY IPRA ON CONVERSION OF RECORD FORMAT

**Summary:** Amends the Inspection of Public Records Act to provide that, while a custodian shall provide a public record copy in electronic format if it is available and an electronic format is requested, the custodian is given the option to provide the record in the file format in which it exists at the time of the request or it may convert it to an open format.

**Subjects:** Schools and Teachers; County Affairs; Municipalities/City Government; State Affairs and State Agencies; Miscellaneous

**Progress:** Introduced

**Status:** 02/01/2022 – Senate Committee's Committee

**History:** 02/01/2022—S Introduced and referred to Senate Committee's Committee.  
02/01/2022—S Also referred to Senate Health and Public Affairs.  
02/01/2022—S Also referred to Senate Judiciary.

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

**Status:** 02/03/2022 – Senate Calendar

**History:** 01/19/2022—S Introduced and referred to Senate Rules.  
01/19/2022—S Also referred to Senate Judiciary.  
01/31/2022—S Reported Do Pass by Senate Rules.  
02/03/2022—S Reported Do Pass by Senate Judiciary.

**Scheduled:** 02/04/2022—Senate Calendar, 12:00 p.m., Senate 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:** SM13

**Sponsors:** Jaramillo, Leo (D5)

**Title:** LAW ENFORCEMENT TRAINING STUDY

**Summary:** (Duplicate of HM38) Memorial requesting the Department of Public Safety to conduct a statewide study to assess gaps in law enforcement and first responder training related to how officers respond to culturally diverse groups and communities in New Mexico, sexual assault cases and LGBTQ communities in emergency situations.

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

**Related:** 2022:HM38

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

**Status:** 01/31/2022 – Senate Rules Committee

**History:** 01/31/2022—S Introduced and referred to Senate Rules.  
01/31/2022—S Also referred to Senate Health and Public Affairs.

**Bill:** SM18

**Sponsors:** Pinto (D3)

**Title:** HONOR FAMILIES OF MISSING AND MURDERED INDIGENOUS WOMEN

**Summary:** Honors the families of missing and murdered indigenous women and relatives, and gives support to addressing violence against missing and murdered indigenous women and relatives.

**Subjects:** Indians; Family and Juveniles  
**Progress:** Introduced  
**Status:** 02/03/2022 – President's Table  
**History:** 02/02/2022—S Introduced and referred to Senate Rules.  
02/02/2022—S Also referred to Senate Indian, Rural & Cultural Affairs.  
02/03/2022—S Committee referrals changed.  
02/03/2022—S Withdrawn from all committees.  
02/03/2022—S Placed on President's table.  
**Scheduled:** 02/04/2022—Senate Calendar, 12:00 p.m., Senate Floor

---

**Bill:** SM20  
**Sponsors:** Lopez (D11)  
**Title:** CREATE CHILDREN'S CODE REFORM TASK FORCE  
**Summary:** Requests that the Children's Court Improvement Commission of the Supreme Court consider creating a Children's Code Reform Task Force to study and make recommendations for amendments to the code. Specifies representation; requests reports to the Legislature by November 1, 2023.  
**Subjects:** Courts and Civil Matters; State Affairs and State Agencies; Family and Juveniles; Interim Studies and Interim Committees; Legislature  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/03/2022 – Senate Rules Committee  
**History:** 02/03/2022—S Introduced and referred to Senate Rules.  
02/03/2022—S Also referred to Senate Judiciary.