

New Mexico Sentencing Commission Bill Tracker (2023 Reg)

Bill: HB4
Sponsors: Martinez, J. (D11)
Title: VOTING RIGHTS PROTECTION
Summary: (Similar to 2022 SB8) Proposes a number of changes to the Election Code intended to expand voting access and protect voter rights, including reinstating voting rights to felons upon release; creating a voluntary permanent absentee voter list; providing monitored secured containers for ballots; permitting registration at a voting location prior to voting; protecting voter rights and polling place access through the Native American Voting Rights Act; and making general and local election days school holidays. These and other changes are detailed below.
Subjects: Elections; Indians; Family and Juveniles; Civil Rights; Public Safety and Corrections; Schools and Teachers; County Affairs; Human Services
Related: 2022:SB8
Progress: 2nd House: Referred to Committee
Status: 02/22/2023 - Senate Rules Committee
History: 01/27/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/27/2023—H Also referred to House Judiciary.
 02/09/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.
 02/14/2023—H Reported Do Pass by House Judiciary.
 02/21/2023—H Opened for floor debate.
 02/21/2023—H Note: (Floor Amendment 1) (Rep. Block) Tabled (42-22).
 02/21/2023—H Floor amendments adopted (Amendment 1) (Rep. D. Johnson) Voice Vote.
 02/21/2023—H Note 2: (Floor Amendment 2) (Rep. Martinez, A) Tabled (42-24).
 02/21/2023—H Note 3: (Floor Amendment 2) (Rep. Nibert) Tabled (43-23).
 02/21/2023—H Note 4: (Floor Amendment 2) (Rep. Lane) Tabled (41-25).
 02/21/2023—H Passed 41-26.
 02/22/2023—S Received in the Senate and referred to Senate Rules.
 02/22/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 6 Feb 23: The committee voted unanimously to table this legislation until NMCD input could be received.

Bill: HB9
Sponsors: Herndon (D28)
Title: UNLAWFUL ACCESS TO FIREARM BY MINOR
Summary: (Related to 2022 HB9) Makes it a crime to negligently make a firearm accessible to a minor. The bill adds a new section to the Criminal Code to make it unlawful for a person to keep or store a firearm in a way that negligently disregards a minor's ability to access the firearm and the minor thereby accesses the firearm and displays it in a threatening manner or causes harm.
Subjects: Criminal Code; Public Safety and Corrections; Family and Juveniles; Alcohol, Firearms and Tobacco Products
Related: 2022:HB9
Progress: 2nd House: Referred to Committee
Status: 02/10/2023 - Senate Judiciary Committee
History: 01/11/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
 01/25/2023—H Reported Do Pass by House Consumer & Public Affairs.
 01/31/2023—H Reported Do Pass by House Judiciary.
 02/09/2023—H Opened for floor debate.
 02/09/2023—H Floor amendments adopted (Amendment 1) (Rep. Herndon) Roll Call 41-25.
 02/09/2023—H Note: (Floor Amendment 2) (Rep. Dixon)

Withdrawn by sponsor.
 02/09/2023—H Passed 37-32.
 02/10/2023—S Received in the Senate and referred to Senate Judiciary.
 02/10/2023—S Also referred to Senate Finance.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB21
Sponsors: Garcia, M. (D14)
Title: GUN VIOLENCE VICTIM ADVOCATE FUNDING
Summary: Appropriates \$5 million (GF, nonreverting) to the Crime Victims Reparation Commission for use in FY2024 and subsequent years to fund law-enforcement-based advocates for victims of homicide and other violent crime.
Subjects: Appropriations; Criminal Code
Progress: 1st House: Reported from Committees
Status: 01/30/2023 - House Appropriations and Finance Committee
History: 01/03/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Judiciary.
 01/18/2023—H Also referred to House Appropriations & Finance.
 01/30/2023—H Reported Do Pass by House Judiciary.
Comments: Meeting of 24 Jan 23: LOPD noted that while they support funding for crime victims, that funding should not be housed with law enforcement or the DA's offices.

Bill: HB50
Sponsors: Roybal Caballero (D13)
Title: CRIME OF POSSESSION OF LARGE-CAPACITY MAGAZINES
Summary: (Similar to 2022 HB156) Amends the Criminal Code to create the fourth-degree felony of possession or transfer of a large-capacity magazine, meaning one with a 10-round or greater capacity (down from 15 rounds in last year's HB156). Provides exceptions and definitions. Appropriates \$1.5 million (GF) to the Department of Public Safety for FY 2024, which includes funding of additional local and statewide law enforcement, court process and incarceration.
Subjects: Alcohol, Firearms and Tobacco Products; County Affairs; Courts and Civil Matters; Municipalities/City Government; Criminal Code; Public Safety and Corrections; Appropriations 2023:HB156
Related: 2023:HB156
Progress: Introduced
Status: 01/18/2023 - House Commerce and Economic Development Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
 01/18/2023—H Also referred to House Appropriations & Finance.
Comments: Meeting of 24 Jan 23: DPS noted that the definition of "large capacity magazine" is really the standard magazine for most firearms these days, as 10 rounds is the standard magazine capacity; the bill is likely untenable under the 2nd Amendment; last year the ban was 15-round capacity, and now it is down to 10. DPS added that many bills are putting the onus of distributing funds on DPS, when that is really a DFA function; DPS does not have the manpower to distribute funds. Additionally, DPS added that it is unclear what the appropriation attached to this bill is intended to accomplish or support, and that the re-sale mechanism in some bills is not functional as firearms dealers do not have the capacity to sell the stock they have, or cannot use the weapons that people bring to them for sale. AODA noted that it would be a problem to enforce this bill as almost every handgun has that capacity. The committee voted

not to support this legislation, due to the concerns expressed by DPS, by a vote of 10-0.

Bill: HB55
Sponsors: Rehm (R31)
Title: ORGANIZED RETAIL CRIME INVOLVING RETAIL MERCHANDISE
Summary: Makes it a crime to commit various levels of “organized retail crime” against a retailer with penalties ranging from a petty misdemeanor for merchandise with an aggregated value of \$250 or less to a second-degree felony for merchandise with an aggregated value over \$20,000. An individual charged with a violation shall not be charged with a separate or additional offense arising out of the same transaction.
Subjects: Criminal Code; Business, Manufacturing and Economic Development
Progress: 1st House: Reported from Committees
Status: 02/23/2023 - House Judiciary Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Commerce & Economic Development.
 01/18/2023—H Also referred to House Judiciary.
 02/23/2023—H Reported Do Not Pass but Do Pass as substituted by House Commerce & Economic Development.
Comments: Meeting of 24 Jan 23: AODA expressed the belief that the crimes in this bill were already covered in law, and whether it might be better to amend the shoplifting statutes. A public member added that present racketeering law could prosecute the crimes created in this bill. DPS noted that this bill mirrors a policy the Governor has interest in, and that the aggregate amount over 12 months was an important part of the legislation. LOPD noted that there were drafting issues with the bill. A motion not to support the legislation failed.

Bill: HB57
Sponsors: Rehm (R31)
Title: TORTS: MERCHANT IMMUNITY FROM DAMAGES IN SHOPLIFTING INCIDENTS
Summary: (Related to 2023 HB 55) Amends the Tort Claims Act to grant immunity to a merchant from liability pertaining to damages or injuries related to the apprehension of a person suspected of shoplifting.
Subjects: Courts and Civil Matters; Business, Manufacturing and Economic Development; Criminal Code
Related: 2023:HB55
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB58
Sponsors: Rehm (R31)
Title: LIFE IMPRISONMENT FOR VIOLENT FELONIES (THREE STRIKES LAW)
Summary: (Identical to 2022 HB31) 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: 2022:HB31
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.

01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB59
Sponsors: Rehm (R31)
Title: UNLAWFUL CARRYING OF FIREARM WHILE TRAFFICKING DRUGS
Summary: Makes it a third-degree felony to unlawfully carry a firearm while trafficking a controlled substance (while in violation of Sec. 30-31-20, Trafficking Controlled Substances). As used in the section, “firearm” means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of any such weapon.”
Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products; Cannabis/Controlled Substances; Public Safety and Corrections
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB60
Sponsors: Rehm (R31)
Title: ENHANCED SENTENCE FOR POSSESSION OF FENTANYL
Summary: Adds a new section to the Criminal Sentencing Act provides for an enhanced sentence when a separate finding of fact by the court or a jury shows that fentanyl was possessed pursuant to Subsec. A of Sec. 30-31-23. The basic sentence of imprisonment prescribed in Sec. 31-18-15 shall be enhanced at the following levels when the fentanyl possessed is:
Subjects: Criminal Code; Cannabis/Controlled Substances; Public Safety and Corrections
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: A public member questioned what made fentanyl different. LOPD noted that there was a question of whether this was a specific intent or general intent crime. A motion not to support the legislation failed.

Bill: HB61
Sponsors: Rehm (R31)
Title: INCREASE PENALTY FOR FELON POSSESSING FIREARM
Summary: (Similar to 2022 HB28) Amends the Criminal Sentencing Act to increase the penalty for felon in possession of a firearm to five years’ imprisonment from the standard three years; and for a serious violent felon in possession of a firearm to six years.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections
Related: 2022:HB28
Progress: Introduced
Status: 01/18/2023 - House Consumer and Public Affairs Committee
History: 01/10/2023—H Prefiled in the House.
 01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/18/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: HB64
Sponsors: Rehm (R31)
Title: RETIRED LAW ENFORCEMENT OR FIREFIGHTER RETURN TO WORK

Summary: (Related to 2022 HB106) Permits a retired certified law enforcement officer under a municipal police member coverage plan or under the state coverage plan 1, a retired municipal detention officer member, or a retired municipal fire member to return to work for an affiliated public employer, under the following conditions:

Subjects: Public Employees/Retirement; Public Safety and Corrections

Related: 2022:HB106

Progress: Introduced

Status: 01/18/2023 - House Labor, Veterans' and Military Affairs Committee

History: 01/10/2023—H Prefiled in the House.
01/18/2023—H Introduced and referred to House Labor, Veterans' & Military Affairs.
01/18/2023—H Also referred to House Judiciary.

Comments: Meeting of 24 Jan 23: DPS noted that this was a bill that had the Governor's interest; it has been difficult to recruit officers; retirees could contribute, but recruiting is difficult as PERA cannot be suspended. A public member noted that there was a need for more law enforcement and corrections officers. The committee discussed reasons in the past for opposition to return to work legislation, which included past habits of people retiring then immediately resuming their old job, which froze more junior employees out of jobs, and that there had been union opposition. DPS noted that this would be a good issue to be negotiated in collective bargaining. Deputy Director noted that the report of the jail and prison task force had recommended return to work legislation. LOPD and DA noted that they were facing similar issues with their staffing. NMCD noted that it would be valuable to have return to work legislation. The committee voted to support this legislation by a vote of 7-0, with AODA, AGO, and LOPD abstaining.

Bill: **HB71**

Sponsors: Garcia, M. (D14)

Title: MOTOR VEHICLES: PROHIBIT LOUD MUFFLER, PENALTY

Summary: Amends the Motor Vehicle Code to make it a penalty assessment misdemeanor to alter or modify a vehicle muffler from the manufacturer's specifications—except for repairs that bring a damaged muffler to the same level of noise reduction capacity as provided by the initial manufactured condition or a modification that reduces the muffler's noise capacity. Carries a \$50 penalty for first conviction; \$250 for a second conviction; and \$500 for a third or subsequent conviction.

Subjects: Transportation; Environment and Pollution; Public Safety and Corrections; Taxation, Fees and Audits

Progress: 1st House: Referred to Committee

Status: 01/18/2023 - House Consumer and Public Affairs Committee

History: 01/12/2023—H Prefiled in the House.
01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
01/18/2023—H Also referred to House Judiciary.

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

Bill: **HB72**

Sponsors: Roybal Caballero (D13)

Title: UNLAWFUL POSSESSION OR TRANSFER OF SEMIAUTOMATIC FIREARM CONVERTER

Summary: (Related to 2022 HB156) Makes it a crime to knowingly possess or transfer a semiautomatic firearm converter; appropriates \$1.5 million (GF) to the Department of Public Safety for use in FY2024 to carry out the prohibition including additional law enforcement, court process, and incarceration.

Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products; Appropriations; Public Safety and Corrections

Related: 2022:HB156

Progress: Introduced

Status: 01/18/2023 - House Judiciary Committee

History: 01/12/2023—H Prefiled in the House.
01/18/2023—H Introduced and referred to House Judiciary.
01/18/2023—H Also referred to House Appropriations & Finance.

Comments: Meeting of 24 Jan 23: Committee members simply noted that their comments were the same as on HB 50.

Bill: **HB74**

Sponsors: Hochman-Vigil (D15)

Title: PRETRIAL DETENTION HEARINGS: ASSESSMENT AND REVOCATION

Summary: Adds two sections to the Criminal Procedure Act to provide requirements for a public safety assessment in pretrial detention hearings and to provide for pretrial detention upon commission of a felony while on release.

Subjects: Criminal Code; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 01/18/2023 - House Consumer and Public Affairs Committee

History: 01/12/2023—H Prefiled in the House.
01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
01/18/2023—H Also referred to House Judiciary.

Scheduled: 03/02/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Comments: Meeting of 24 Jan 23: Deputy Director noted that there were tensions between this bill and the bail provision of the state constitution, and that there seemed to be drafting issues in Section 2, particularly where it seems that part of a court rule had been drafted into statute, with a reference to "rule" that had no antecedent; additionally, NMSC had been tasked in the bill with assisting CJCCs on evaluating their public safety assessment, but it was not clear what that meant; finally, there was a concern with annual adjustments to public safety assessments used in judicial districts as the districts likely would not have large enough sample sizes, and validations of public safety assessments take years. AODA questioned whether the bill was adding anything to the present process. Magistrate Judge added that it seemed that this was a backdoor way to a rebuttable presumption. LOPD noted that while there were issues with the Arnold tool and how it is applied, the procedures in the bill to address those problems confuses the science; additionally, the bill tasks the CJCCs and the NMSC with tasks that they are not set up to operate.

Bill: **HB76**

Sponsors: Hochman-Vigil (D15)

Title: JUDICIAL EDUCATION SVCS FUND: TRANSFER FROM UNM LAW SCHOOL TO AOC

Summary: (For the Courts, Corrections and Justice Committee) Creates the Judicial Education Services Division of the Administrative Office of the Courts to replace the Judicial Education Center at UNM Law School's Institute of Public Law. Transfers administration of the Judicial Education Fund from UNM Law School's Institute of Public Law to the Administrative Office of the Courts. Appropriates \$2,114,100 (GF, nonreverting) to the Judicial Education Fund for use in FY2024 and subsequent years.

Subjects: Courts and Civil Matters; Appropriations; Higher Education; State Affairs and State Agencies

Progress: 1st House: Reported from Committees

Status: 02/21/2023 - House Calendar

History: 01/12/2023—H Prefiled in the House.
01/18/2023—H Introduced and referred to House Judiciary.
01/18/2023—H Also referred to House Appropriations & Finance.
01/24/2023—H Reported Do Pass as amended by House Judiciary.
02/21/2023—H Reported Do Pass as amended by House Appropriations & Finance.

Scheduled: 02/23/2023—House Calendar, 10:30 a.m., House Floor

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

Bill: **HB97**

Sponsors: Rehm (R31)

Title: OUTSTANDING WARRANTS BACKLOG FUNDING: STATE & LOCAL POLICE, SHERIFFS, ABQ DA

Summary: Appropriates \$20 million (GF) to the following agencies for use in FY2024 to fund efforts to reduce the backlog of outstanding felony and misdemeanor arrest warrants.

Subjects: Appropriations; Criminal Code; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 01/18/2023 - House Judiciary Committee

History: 01/13/2023—H Prefiled in the House.
01/18/2023—H Introduced and referred to House Judiciary.
01/18/2023—H Also referred to House Appropriations & Finance.

Comments: Meeting of 24 Jan 23: The committee voted unanimously to table this legislation as there were a number of discussions concerning it ongoing, and it had been recently rolled at HJC.

Bill: **HB98**

Sponsors: Townsend (R54)

Title: RESTORE QUALIFIED IMMUNITY FOR PUBLIC OFFICIALS IN NM CIVIL RIGHTS ACT

Summary: Amends the New Mexico Civil Rights Act to reinstate the defense of qualified sovereign immunity for public bodies or officials who are sued for violation of a plaintiff's civil rights. Repeals Sec. 41-4A-4 of the act, which currently absolutely bars that defense to any claim for damages or relief.

Subjects: Courts and Civil Matters; Civil Rights

Progress: Introduced

Status: 01/18/2023 - House Consumer and Public Affairs Committee

History: 01/13/2023—H Prefiled in the House.
01/18/2023—H Introduced and referred to House Consumer & Public Affairs.
01/18/2023—H Also referred to House Judiciary.

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

Bill: **HB100**

Sponsors: Romero, A. (D46)

Title: CERTAIN GUN SALES: 14-DAY WAITING PERIOD

Summary: Amends the Criminal Code provision outlawing sale of a firearm without a background check (Sec. 30-7-7.1) to prohibit transfer of ownership, possession or control of a firearm to a buyer earlier than 14 calendar days after submission of the required federal instant background check.

Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code

Progress: 1st House: Reported from Committees

Status: 02/20/2023 - House Calendar

History: 01/13/2023—H Prefiled in the House.
01/19/2023—H Introduced and referred to House Consumer & Public Affairs.
01/19/2023—H Also referred to House Judiciary.
02/08/2023—H Reported Do Pass by House Consumer & Public Affairs.
02/20/2023—H Reported Do Pass by House Judiciary.

Scheduled: 02/23/2023—House Calendar, 10:30 a.m., House Floor

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

Bill: **HB101**

Sponsors: Romero, A. (D46)

Title: PROHIBIT LARGE-CAPACITY MAGAZINES AND ASSAULT WEAPONS

Summary: (Related to 2023 HB50 and 2022 HB156) House Consumer & Public Affairs Committee Substitute for HB101 retains the intent of the original bill to outlaw assault weapons but departs by allowing people who possess firearms prior to the bill's effective date a process for keeping them; adds to the definition of "assault weapon," provides exemptions (including for law enforcement officers) and creates an outreach campaign with public notice of the assault weapons ban.

Subjects: Alcohol, Firearms and Tobacco Products; Public Safety and Corrections

Related: 2023:HB50; 2022:HB156

Progress: 1st House: Reported from Committees

Status: 02/08/2023 - House Judiciary Committee

History: 01/13/2023—H Prefiled in the House.
01/19/2023—H Introduced and referred to House Consumer &

Public Affairs.
01/19/2023—H Also referred to House Judiciary.
02/08/2023—H Reported Do Not Pass but Do Pass as substituted by House Consumer & Public Affairs.

Comments: Meeting of 24 Jan 23: Committee members noted that their comments were the same as on HB 50. The committee voted not to support this legislation by a vote of 9-0, with AGO abstaining.

Bill: **HB109**

Sponsors: Block (R51)

Title: REPEAL NEW MEXICO CIVIL RIGHTS ACT

Summary: Repeals the 2021 New Mexico Civil Rights Act, which establishes the right of a person who claims a deprivation of any "rights, privileges or immunities" secured by the bill of rights of the New Mexico Constitution to bring a lawsuit in state district court against a public body and recover actual damages and injunctive relief.

Subjects: Civil Rights; Courts and Civil Matters

Progress: Introduced

Status: 01/19/2023 - House Consumer and Public Affairs Committee

History: 01/19/2023—H Introduced and referred to House Consumer & Public Affairs.
01/19/2023—H Also referred to House Judiciary.

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

Bill: **HB113**

Sponsors: Chandler (D43)

Title: MAGISTRATE QUALIFICATIONS AND JURISDICTION

Summary: Enhances qualifications for magistrates; expands the jurisdiction of a magistrate to encompass the judicial district; makes magistrate court a court of record.

Subjects: Courts and Civil Matters; Labor; State Affairs and State Agencies

Progress: 2nd House: Referred to Committee

Status: 02/20/2023 - Senate Judiciary Committee

History: 01/19/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
01/19/2023—H Also referred to House Judiciary.
01/26/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.
02/13/2023—H Reported Do Pass as amended by House Judiciary.
02/17/2023—H Opened for floor debate.
02/17/2023—H Passed 46-14.
02/20/2023—S Received in the Senate and referred to Senate Judiciary.
02/20/2023—S Also referred to Senate Finance.

Comments: Meeting of 24 Jan 23: Committee members discussed what the new magistrate judge jurisdiction would look like were this bill passed. Questions were raised concerning whether appeals from Magistrate Court decisions would be made directly to the Court of Appeals, or would they have to go through District Court. The bill does not amend Sections 35-13-1 through -3, which addresses Magistrate Court appeals to the District Court. Magistrate Judge noted that all traffic cases are now done by video, though allowed that could change in the future. AODA expressed the concern that the heightened qualifications could restrict who ran for Magistrate Court positions, when there was already a concern about the number of candidates. Magistrate Judge noted that the higher qualifications were to get individuals on the bench who were better able to understand the gravity of the position. LOPD noted there was a tension between the Magistrate Court judges having district-wide jurisdiction while still being elected on a county level.

Bill: **HB128**

Sponsors: Lord (R22)

Title: CHEMICAL CASTRATION FOR CERTAIN SEX OFFENDERS

Summary: Requires chemical castration as a condition of parole for sex offenders pursuant to Sec. 30-9-11 through 30-9-13; stopping treatment while on parole is a fourth-degree felony.

Subjects: Criminal Code; Civil Rights
Progress: Introduced
Status: 01/19/2023 - House Health and Human Services Committee
History: 01/19/2023—H Introduced and referred to House Health & Human Services.
 01/19/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: **HB138**
Sponsors: Cadena (D33)
Title: CONVICTION FINE FLEXIBILITY AND WAIVERS FOR INDIGENT PERSONS
Summary: (Identical to 2022 HB81) 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
Related: 2022:HB81
Progress: 1st House: Reported from Committees
Status: 02/15/2023 - House Judiciary Committee
History: 01/23/2023—H Introduced and referred to House Commerce & Economic Development.
 01/23/2023—H Also referred to House Judiciary.
 02/15/2023—H Reported Do Pass by House Consumer & Public Affairs.
Comments: NMSC bill. Meeting of 31 Jan 23: 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: **HB139**
Sponsors: Cadena (D33)
Title: ELIMINATES CERTAIN COURT FEES AND PENALTY ASSESSMENTS
Summary: Eliminates court fees (and associated administrative provisions) and Motor Vehicle Code penalty assessment fees allocated to the following funds/agencies:
Subjects: County Affairs; Courts and Civil Matters; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Family and Juveniles; Appropriations; Taxation, Fees and Audits
Progress: 1st House: Reported from Committees
Status: 02/22/2023 - House Calendar
History: 01/23/2023—H Introduced and referred to House Judiciary.
 01/23/2023—H Also referred to House Appropriations & Finance.
 01/30/2023—H Reported Do Pass by House Judiciary.
 02/22/2023—H Reported Do Pass by House Appropriations & Finance.
Scheduled: 02/23/2023—House Calendar, 10:30 a.m., House Floor
Comments: Meeting of 31 Jan 23: AOC noted that the bill had passed HJC and was moving on to Appropriations; the bill would eliminate post-adjudication fees tacked on to misdemeanors and traffic cases; there is a delayed effective date so that the changes would not take effect until FY25, which gives affected programs a year to request funding; fee funding is an administrative burden on the courts, including with the assessments and the re-evaluation of payment plans; additionally, funding programs through fees does not provide a stable source of funding. Magistrate Judge noted that collections cost the courts approximately \$5 million; Magistrate Courts do collections, which is a burden on them; additionally, the funding for these programs tends to be on the backs of people who cannot afford it. The committee voted to support this legislation unanimously.

Bill: **HB153**
Sponsors: Ezzell (R58)
Title: SEPARATING BARNYARD LARCENY CHARGES
Summary: Specifies an additional third-degree felony livestock larceny charge for every animal stolen, increasing the cumulative penalty for stealing a barnyard of farm animals. The theft of multiple livestock shall constitute a separate offense for each

Subjects: individual animal stolen.
 Agriculture and Ranching; Land, Housing and Real Estate; Criminal Code; Courts and Civil Matters
Progress: 1st House: Reported from Committees
Status: 02/23/2023 - House Calendar
History: 01/23/2023—H Introduced and referred to House Agriculture, Acequias and Water Resources.
 01/23/2023—H Also referred to House Judiciary.
 01/27/2023—H Reported without recommendation by House Agriculture, Acequias and Water Resources.
 02/23/2023—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.
Comments: Meeting of 31 Jan 23: AODA noted that due to a recent court decision, if someone steals multiple livestock, they can only receive one felony charge for the theft; the problem this bill is trying to address is particularly acute with cattle, where 50 to 100 head can be taken at a time at \$1,000 a head; in present law livestock is separated out in the larceny statute, so a change is needed; the hope is to increase the deterrence value. LOPD noted that in their FIR, they suggested amending the statute in a different way, similar to firearm larceny, with a minimum floor; the statute as written could mean that someone is facing 100s of years in prison for larceny. A vote to support this legislation was spilt, 3-3 (LOPD and two public members against), with AOC, DPS, NMCD, and a Magistrate Judge abstaining.

Bill: **HB154**
Sponsors: Reeb (R64)
Title: JUVENILE DELINQUENCY FOR CANNABIS POSSESSION
Summary: Would potentially increase the penalty for minors of using, possessing, growing or selling cannabis products to constitute an act of juvenile delinquency; includes even being present in a licensed retail cannabis establishment unless in the presence of a parent or legal guardian.
Subjects: Courts and Civil Matters; Family and Juveniles; Cannabis/Controlled Substances
Progress: Introduced
Status: 01/23/2023 - House Health and Human Services Committee
History: 01/23/2023—H Introduced and referred to House Health & Human Services.
 01/23/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: LOPD noted that they had serious concerns with how this bill undoes the progress made under the Cannabis Regulation Act; turning possession into a delinquent act could lead to two-year commitments for juveniles; the Cannabis Regulation Act was only just passed, and there has not been time to see its effects. A motion not to support the legislation failed.

Bill: **HB155**
Sponsors: Reeb (R64)
Title: INCREASE PENALTY FOR AGGRAVATED BATTERY UPON A PEACE OFFICER
Summary: Increases from a third to a second degree penalty the crime of aggravated battery upon a peace officer if that battery inflicts great bodily harm or is done with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted.
Subjects: Criminal Code; Public Safety and Corrections
Progress: 2nd House: Referred to Committee
Status: 02/20/2023 - Senate Judiciary Committee
History: 01/23/2023—H Introduced and referred to House Commerce & Economic Development.
 01/23/2023—H Also referred to House Judiciary.
 02/06/2023—H Reported Do Pass by House Consumer & Public Affairs.
 02/13/2023—H Reported Do Pass by House Judiciary.
 02/17/2023—H Opened for floor debate.
 02/17/2023—H Passed 61-0.
 02/20/2023—S Received in the Senate and referred to Senate Judiciary.
 02/20/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: DPS noted that there has been a rise in violent attacks on police officers; according to the FBI, in 2022

there were 323 officers shot and 60,000 assaulted, with 60 officers who have died by gunfire; New Mexico is the fourth most dangerous state in which to be a police officer. LOPD noted that while they understood the concerns that prompted the bill, their concern was that the definition of aggravated battery was very wide, with no limits to the kind of harm, so that the bill would triple the basic sentence with a wide breadth of conduct encompassed, including when no injury results. AODA noted that anything could be used as a deadly weapon, and that consequences were important. The committee voted to support this legislation by a vote of 6-3, LOPD and two public members against, with AOC abstaining.

about a constitutional challenge under the confrontation clause; appeals to cases using this testimony would take a fair bit of time, and could end up with another Birchfield. The committee voted to table this legislation until issues surrounding it could be clarified.

Bill: HB158
Sponsors: Reeb (R64)
Title: CHEMICAL BLOOD TESTING CLARIFICATIONS FOR DRIVERS
Summary: Adds emergency medical technicians or certified phlebotomists to the list of people qualified to administer a chemical blood test as directed by a police- or judicial officer to determine whether someone was driving under the influence of drugs or alcohol; removes such people from liability for performing chemical blood tests.
Subjects: Cannabis/Controlled Substances; Courts and Civil Matters; Criminal Code; Alcohol, Firearms and Tobacco Products; Public Safety and Corrections; Health and Medical Practice
Progress: Introduced
Status: 01/23/2023 - House Transportation, Public Works and Capital Improvements Committee
History: 01/23/2023—H Introduced and referred to House Transportation, Public Works & Capital Improvements. 01/23/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: AODA noted that the change in the bill are especially important for rural areas where they lack providers to do the blood draws, so they rely heavily on EMTs to do those tests, which then gets challenged in court. LOPD notes that the bill codifies State v. Adams, but that they had concerns with the bill. The committee voted to support this legislation by a vote of 6-2, LOPD and a public member against, with NMCD and a public member abstaining.

Bill: HB164
Sponsors: Block (R51)
Title: OPEN SEASON FOR CONCEALED LOADED FIREARM
Summary: Amends the Criminal Code to decriminalize carrying of a concealed loaded firearm. Adds a new section affirmatively stating that a person aged 18 or older may carry an open or concealed loaded firearm on their person, unless the person is prohibited by federal or state law or court order from possessing or carrying a firearm.
Subjects: Higher Education; Alcohol, Firearms and Tobacco Products; Criminal Code
Progress: Introduced
Status: 01/24/2023 - House Consumer and Public Affairs Committee
History: 01/24/2023—H Introduced and referred to House Consumer & Public Affairs. 01/24/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: HB159
Sponsors: Reeb (R64)
Title: INTERACTIVE VIDEO ANALYST TESTIMONY FOR TRAFFIC OFFENSES
Summary: Amends the Implied Consent Act to permit an analyst to testify at a court proceeding related to traffic offenses via interactive video. A defendant is deemed to have given consent to an analyst's interactive video appearance if the analyst is subpoenaed to testify about chemical testing that the analyst performed to determine if the defendant was driving a motor vehicle under the influence of intoxicating liquor or drug.
Subjects: Courts and Civil Matters; Transportation; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 02/13/2023 - House Calendar
History: 01/23/2023—H Introduced and referred to House Transportation, Public Works & Capital Improvements. 01/23/2023—H Also referred to House Judiciary. 02/03/2023—H Reported Do Pass by House Transportation, Public Works & Capital Improvements. 02/13/2023—H Reported Do Pass by House Judiciary.
Scheduled: 02/23/2023—House Calendar, 10:30 a.m., House Floor
Comments: Meeting of 31 Jan 23: LOPD noted that the language of the bill is unconstitutional, as there needs to be a specific reason put forward for a witness not to appear in person. AODA noted that the bill would help rural districts as there are a limited number of DUI experts in the state and that jurisdictions often need the same expert for trial at the same time, leading experts to fly around the state at great cost or trials to be delayed; other testimony is allowed by video; this bill is limited to the Implied Consent Act. AOC noted that the courts should be able to provide the service, if needed, but that they were concerned

Bill: HB167
Sponsors: Nibert (R59)
Title: CHILD CRIME VICTIMS PROGRAMS
Summary: Appropriates \$1 million (GF) to the Children, Youth and Families Department for use in FY 2024 for programs that provide services to child crime victims in southeast New Mexico.
Subjects: Appropriations; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 02/02/2023 - House Appropriations and Finance Committee
History: 01/24/2023—H Introduced and referred to House Health & Human Services. 01/24/2023—H Also referred to House Appropriations & Finance. 02/02/2023—H Reported Do Pass by House Health & Human Services.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: HB173
Sponsors: Jaramillo, T. (D38)
Title: CHILD AND ADJUDICATED INCAPACITATED ADULT WITNESS PROTECTION
Summary: Changes the name of the Uniform Child Witness Protective Measures Act to the Child and Adjudicated Incapacitated Adult Witness Protective Measures Act and amends it to clarify witness protections for child or adjudicated incapacitated adult witnesses who are victims in criminal or noncriminal cases.
Subjects: Courts and Civil Matters; Criminal Code; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 02/07/2023 - House Judiciary Committee
History: 01/24/2023—H Introduced and referred to House Health & Human Services. 01/24/2023—H Also referred to House Judiciary. 02/07/2023—H Reported Do Pass by House Health & Human Services.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: HB175
Sponsors: Romero, A. (D46)
Title: CRIME REDUCTION GRANT FUND
Summary: (Endorsed by the Courts, Corrections, and Justice Committee) Vests complete authority for administration of the Crime Reduction Grant Act with the New Mexico Sentencing Commission and completely eliminates the role of a "grant administration agency" from the grant-award process. Creates the Crime Reduction Grant Fund. The bill does not contain an appropriation..

Subjects: Appropriations; Criminal Code; State Affairs and State Agencies
Progress: 1st House: Reported from Committees
Status: 01/30/2023 - House Appropriations and Finance Committee
History: 01/24/2023—H Introduced and referred to House Judiciary.
 01/24/2023—H Also referred to House Appropriations & Finance.
 01/30/2023—H Reported Do Pass by House Judiciary.
Comments: NMSC bill. Meeting of 31 Jan 23: 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: **HB180**
Sponsors: Szczepanski (D47)
Title: STORING ELECTRONIC RECORDS
Summary: Relates to public records and allows for the electronic storage of official records and recognizes those records as original records for all purposes, including introduction into evidence in all courts or administrative proceedings.
Subjects: State Affairs and State Agencies; Courts and Civil Matters
Progress: 1st House: Passed
Status: 02/23/2023 - Passed in the House
History: 01/24/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/24/2023—H Also referred to House Government, Elections & Indian Affairs.
 02/13/2023—H Reported Do Pass by House Consumer & Public Affairs.
 02/21/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.
 02/23/2023—H Opened for floor debate.
 02/23/2023—H Passed 60-0.
Scheduled: 02/23/2023—House Calendar, 10:30 a.m., House Floor
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HB190**
Sponsors: Chasey (D18)
Title: APPLYING THE RULES OF EVIDENCE TO GRAND JURY PROCEEDINGS
Summary: The bill allows for “lawful, competent and relevant evidence” to be admissible to a grand jury under the Rules of Evidence.
Subjects: Courts and Civil Matters; Criminal Code
Progress: 1st House: Reported from Committees
Status: 02/13/2023 - House Judiciary Committee
History: 01/25/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/25/2023—H Also referred to House Judiciary.
 02/13/2023—H Reported Do Pass by House Consumer & Public Affairs.
Comments: Meeting of 31 Jan 23: AODA noted that the bill eliminates hearsay in grand juries, and effectively does away with grand juries so that one might as well use a preliminary hearing. The committee voted not to support this legislation by a vote of 4-3, LOPD and two public members against, with AOC, NMCD, and Magistrate Judge abstaining. Meeting of 6 Feb 23: The committee revisited this bill at the request of a public member, who informed the committee that the bill was supported by two former NM Supreme Court Justices and former Court of Appeals judge. DPS noted that the grand jury process is one of the ways for victims of sexual assault to tell their story upon the initiation of a case, and that the grand jury process is useful in circumstances where someone who has been injured in a crime cannot give testimony as the person is in hospital. AODA noted that they agree with the DPS comments, and that grand juries are especially useful in big cases where a preliminary hearing would be particularly burdensome; the bill would effectively eliminate the use of grand juries, which should still be available to be used. AGO noted that they agreed with the DPS and AODA comments, adding that grand juries were useful to launch cases, and that there is already proper oversight of grand juries as defense attorneys can challenge grand jury findings; they added that if use of grand juries is eliminated, vulnerable victims would have to be brought in three times – for the pre-trial interview, for the preliminary hearing, and for the trial, which would add to the

stress on these victims. DPS added that there would also be an impact on law enforcement officers who would need to spend more time in court than they already do. AOC noted that although retired Justices and Judges are in support of this bill, the present Court has not taken a position on this bill. LOPD noted that the comments indicate why the defense bars have concerns with the use of grand juries, that if they were rarely used there would not be an issue, but they are generally used to quickly bring a charge, effectively becoming a processing tool. On a new vote, the committee voted to support this legislation by a vote of 4-3 (AODA, AGO, and DPS against), with Chair, AOC, and Magistrate Judge abstaining.

Bill: **HB212**
Sponsors: Garratt (D29)
Title: DRUG TRAFFICKING AND FIREARM PENALTY ENHANCEMENT
Summary: Amends the Criminal Code to enhance the penalty for trafficking a controlled substance while carrying a firearm. Convictions would result in a fourth-degree felony punishable under provisions of Sec. 31-18-15 (Sentencing authority; noncapital felonies; basic sentences and fines; parole authority; meritorious deductions).
Subjects: Criminal Code
Progress: 1st House: Referred to Committee
Status: 01/26/2023 - House Consumer and Public Affairs Committee
History: 01/26/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/26/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HB221**
Sponsors: Lord (R22)
Title: PRENATAL CHILD ABUSE PROTECTIONS
Summary: Amends that portion of the Criminal Code relating to abandonment or abuse of a child to make it a crime and provide penalties and protections for a child that tests positive at birth for controlled substances and for taking the newborn into temporary protective custody under certain conditions.
Subjects: Criminal Code; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - House Health and Human Services Committee
History: 01/27/2023—H Introduced and referred to House Health & Human Services.
 01/27/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HB224**
Sponsors: Garratt (D29)
Title: UNLAWFUL CARRYING OF A FIREARM WHILE DRUNK IN HIGH-POPULATED AREA
Summary: Renders the unlawful carrying of a firearm in a jurisdiction within a high-population jurisdiction (a population over 90,000 people) a fourth-degree felony if the offender is intoxicated or under the influence of a narcotic.
Subjects: Criminal Code; Public Safety and Corrections; Alcohol, Firearms and Tobacco Products
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - House Consumer and Public Affairs Committee
History: 01/27/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/27/2023—H Also referred to House Judiciary.
Comments: Meeting of 31 Jan 23: Deputy Director noted that there were likely constitutional problems with this bill. DPS questioned why the same crime would be a misdemeanor in Santa Fe, but a felony in Albuquerque, and agreed that it likely had constitutional issues. The committee voted unanimously not to support this legislation.

Bill: **HB225**
Sponsors: Castellano (D70)

Title: ADDING ASSAULT OF PEACE OFFICERS TO VICTIMS OF CRIME ACT
Summary: Specifically includes police officers – citing various, specific forms of assault against officers – in the Victims Crime Act, thereby extending to them the rights afforded to other victims of crime by the act.
Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 02/22/2023 - House Judiciary Committee
History: 01/27/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/27/2023—H Also referred to House Judiciary.
 02/22/2023—H Reported Do Pass as amended by House Consumer & Public Affairs.
Comments: Meeting of 31 Jan 23: The committee voted unanimously to table this legislation so DPS could research the impact of the bill.

Bill: HB233
Sponsors: Matthews (D27)
Title: RLD REORGANIZATION: LIQUOR AND CANNABIS INSPECTORS
Summary: Adds the Boards and Commissions Division and the Information Technology Division to the Regulation and Licensing Department. Requires RLD to employ compliance inspectors to investigate and enforce rules and laws of the Alcoholic Beverage Control Division and the Cannabis Control Division; the inspectors have the powers and duties of peace officers.
Subjects: State Affairs and State Agencies; Alcohol, Firearms and Tobacco Products; Information Technology
Progress: 1st House: Reported from Committees
Status: 02/14/2023 - House Judiciary Committee
History: 01/30/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/30/2023—H Also referred to House Judiciary.
 02/14/2023—H Reported Do Pass as amended by House Government, Elections & Indian Affairs.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: HB234
Sponsors: Matthews (D27)
Title: ORGANIZED RETAIL CRIME AND RACKETEERING
Summary: (Related to 2023 HB55) Creates the crime of organized retail crime carrying a penalty of a second-degree felony and adds organized retail crime to the definition of racketeering. Also amends the elements of robbery and authorizes separate prosecution for separate incidents of shoplifting.
Subjects: Criminal Code; Business, Manufacturing and Economic Development
Related: 2023:HB55
Progress: 1st House: Reported from Committees
Status: 02/07/2023 - House Judiciary Committee
History: 01/30/2023—H Introduced and referred to House Commerce & Economic Development.
 01/30/2023—H Also referred to House Judiciary.
 02/07/2023—H Reported Do Pass as amended by House Commerce & Economic Development.
Comments: Meeting of 6 Feb 23: LOPD noted that the bill has drafting issues; it creates a new crime, organized retail crime, that duplicates racketeering, but us also adds this new crime to the racketeering statute; in order to prosecute racketeering, one has to show a pattern, so the statute as drafted would require the prosecution to show a pattern of a pattern; additionally, the changes made regarding robbery could have wide ramifications.

Bill: HB238
Sponsors: Garratt (D29)
Title: UNLAWFUL CARRYING OF A FIREARM
Summary: (Related to 2023 HB224) Renders unlawful discharge of a firearm in a densely populated area a fourth-degree penalty.
Subjects: Criminal Code; County Affairs; Municipalities/City

Related: Government; Alcohol, Firearms and Tobacco Products
 2023:HB224
Progress: 1st House: Reported from Committees
Status: 01/30/2023 - House Consumer and Public Affairs Committee
History: 01/30/2023—H Introduced and referred to House Consumer & Public Affairs.
 01/30/2023—H Also referred to House Judiciary.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: HB254
Sponsors: Zamora (R63)
Title: SCHOOL MARSHALL ACT
Summary: Amends the Public-School Code to create an act providing for training of school marshals holding concealed carry permits issued by the Department of Public Safety (DPS); and providing policies and procedures for their employment by school districts who choose to do so.
Subjects: Schools and Teachers; State Affairs and State Agencies; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/31/2023 - House Education Committee
History: 01/31/2023—H Introduced and referred to House Education.
 01/31/2023—H Also referred to House Judiciary.
Comments: Meeting of 6 Feb 23: DPS noted that they have concerns with getting a program like the one in this bill off the ground in a short time frame; there are already school resource officers in schools; schools also often have their own security guards, and adding yet another party to school security would add more complications in case of an incident; there have been no discussions with DPS about this legislation; and it is not clear how the marshals would fit in with present school security arrangements. The committee voted not to support this legislation by a vote of 8-0, with AGO abstaining.

Bill: HB258
Sponsors: Block (R51)
Title: CRIMINALIZING ABORTIONS FOR HEALTHCARE PROVIDER
Summary: Would make abortion a criminal offense punishable by up to five years in prison.
Subjects: Health and Medical Practice; Criminal Code
Progress: 1st House: Referred to Committee
Status: 01/31/2023 - House Health and Human Services Committee
History: 01/31/2023—H Introduced and referred to House Health & Human Services.
 01/31/2023—H Also referred to House Judiciary.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: HB261
Sponsors: Ortez (D42)
Title: UNLAWFUL TAKING OF CERTAIN BIG GAME
Summary: Expands the unlawful taking of big game to include javelinas, bears, and cougars.
Subjects: Natural Resources (Parks and Wildlife); Criminal Code
Progress: 1st House: Reported from Committees
Status: 02/07/2023 - House Judiciary Committee
History: 02/01/2023—H Introduced and referred to House Energy, Environment & Natural Resources.
 02/01/2023—H Also referred to House Judiciary.
 02/07/2023—H Reported Do Pass by House Energy, Environment & Natural Resources.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: HB263
Sponsors: Lujan (D48)
Title: HARM REDUCTION ACT: OVERDOSE PREVENTION PROGRAM
Summary: (Related to 2022 HB52 and 2021 SB255) Amends the Harm Reduction Act to create an Overdose Prevention Program in the Department of Health and to provide liability protections to a person involved in the Harm Reduction Program or the

Subjects: Overdose Prevention Program (including a property owner, director, employee, or participant) from civil or criminal liability for any act or conduct that occurs on the site or relating to the administration of a program unless the action violates of established ethical rules or is negligent or reckless. Health and Medical Practice; State Affairs and State Agencies; Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Cannabis/Controlled Substances

Related: 2022:HB52; 2021:SB255

Progress: 1st House: Reported from Committees

Status: 02/21/2023 - House Judiciary Committee

History: 02/01/2023—H Introduced and referred to House Health & Human Services.
02/01/2023—H Also referred to House Judiciary.
02/21/2023—H Reported Do Pass by House Health & Human Services.

Comments: Meeting of 6 Feb 23: LOPD noted that the committee has often spoken of supporting alternative approaches to public safety; the bill would provide a safe space for people to consume in a supervised way, and allow for someone to test what is being used for fentanyl or other impurities; it would get drug use out of the community; and using in these supervised environments has been shown to get some people started on the path to treatment and recovery. A public member noted that this bill would be a good expansion on the state's Good Samaritan Act, and would allow people to get aid in case of an overdose. The committee voted to support this legislation by a vote of 6-1 (DPS against), with AGO and a public member abstaining.

Bill: HB275

Sponsors: Mason (R66)

Title: ORAL FLUID ROADSIDE DETECTION PILOT PROJECT

Summary: Creates a four-year pilot program allowing state police, sheriffs, and several municipal police departments to test machines purported to measure whether an individual is under the influence of drugs or alcohol; creates a process for developing the pilot program, selecting drug-testing machines and criteria for when they can be used; appropriates \$650,000 from the Cannabis Regulation Fund for the program for FY2024 through FY2027.

Subjects: Civil Rights; Courts and Civil Matters; County Affairs; Municipalities/City Government; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 02/01/2023 - House Judiciary Committee

History: 02/01/2023—H Introduced and referred to House Judiciary.
02/01/2023—H Also referred to House Appropriations & Finance.

Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: HB282

Sponsors: Lord (R22)

Title: PERMANENT ORDERS OF PROTECTION FOR VICTIMS OF CERTAIN FELONY OFFENSES

Summary: Provides a process for victims of the following felony offenses to petition the court for a permanent order of protection against an offender who was convicted of: assault, attempted murder, kidnapping, sexual offenses, sexual exploitation of children. Violations of a protective order constitute a misdemeanor. It is unclear how the victim will obtain the resources necessary to pursue the remedies offered by the bill (i.e., file petition through a private attorney, the district attorney, pay court filing and service of process fees, etc.).

Subjects: Criminal Code; Courts and Civil Matters

Progress: 1st House: Referred to Committee

Status: 02/01/2023 - House Consumer and Public Affairs Committee

History: 02/01/2023—H Introduced and referred to House Consumer & Public Affairs.
02/01/2023—H Also referred to House Judiciary.

Comments: Meeting of 6 Feb 23: LOPD noted that in the bill the protective order is mandatory, thus the judge would have no discretion.

Bill: HB283

Sponsors: Lord (R22)

Title: SCHOOL MARSHAL ACT

Summary: (Related to, but very different from, 2023 HB254) Authorizes a school district to employ school marshals to act as necessary to prevent or stop the commission of an offense that threatens serious bodily injury or death of persons on public school property. School marshals are to be trained by law enforcement. Amends the Public School Code and the Law Enforcement Training Act.

Subjects: Schools and Teachers; State Affairs and State Agencies; Public Safety and Corrections; Insurance; Alcohol, Firearms and Tobacco Products; Indians

Related: 2023:HB254

Progress: 1st House: Referred to Committee

Status: 02/01/2023 - House Education Committee

History: 02/01/2023—H Introduced and referred to House Education.
02/01/2023—H Also referred to House Judiciary.

Comments: Meeting of 6 Feb 23: DPS noted that their concerns were similar to those with HB 254; additionally, it could cost up to \$900 thousand a year to provide the required training, evaluations, and hiring counselors. The committee voted not to support this legislation by a vote of 8-0, with AGO abstaining.

Bill: HB289

Sponsors: Cates (D44)

Title: SENTENCING COMMISSION DATA COLLECTION

Summary: Expands the kinds of documents the Sentencing Commission would be able to access and review.

Subjects: Courts and Civil Matters; Criminal Code

Progress: 1st House: Reported from Committees

Status: 02/17/2023 - House Judiciary Committee

History: 02/01/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
02/01/2023—H Also referred to House Judiciary.
02/17/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.

Comments: Meeting of 6 Feb 23: 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: HB294

Sponsors: Lane (R3)

Title: EMPLOYMENT OF RETIRED LAW ENFORCEMENT OFFICERS

Summary: Allows certain retired officers to be employed as school resource officers or to provide security or protective services for a courthouse if the subsequent employments occurs prior to July 1, 2026.

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

Progress: 1st House: Referred to Committee

Status: 02/02/2023 - House Labor, Veterans' and Military Affairs Committee

History: 02/02/2023—H Introduced and referred to House Labor, Veterans' & Military Affairs.
02/02/2023—H Also referred to House Government, Elections & Indian Affairs.

Scheduled: 02/23/2023—*BILL REMOVED* House Labor, Veterans' and Military Affairs Committee, 1:30 p.m., Room 315

Comments: Meeting of 6 Feb 23: AOC noted that they support return to work for like enforcement to work as courthouse security, and would like to work with the sponsor on elements of the bill. The committee voted unanimously to table this bill.

Bill: HB297

Sponsors: Cadena (D33)

Title: CORRECTIONS OVERSIGHT BY DFA CORRECTIONS ADVISORY BOARD

Summary: Cited as the Corrections Advisory Board Act, an 11-member Corrections Advisory Board is created within the Department of

Finance and Administration. The board evaluates and reviews operations of the Corrections Department (CD) and identifies systemic issues within the department that lead to inmate harm or negative impacts on personnel; and hires a Corrections Ombudsperson to investigate complaints. Provides powers and duties. Requires confidential access to the Ombudsperson by inmates and personnel. Amends the State Rules Act to provide opportunity to comment on rule changes to persons under CD supervision.

Subjects: Public Safety and Corrections; State Affairs and State Agencies
Progress: 1st House: Reported from Committees
Status: 02/23/2023 - House Appropriations and Finance Committee
History: 02/02/2023—H Introduced and referred to House Judiciary. 02/02/2023—H Also referred to House Appropriations & Finance.
 02/23/2023—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.

Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: HB306
Sponsors: Lane (R3)
Title: UNLAWFUL PURCHASE OF FIREARM FOR ANOTHER
Summary: Prohibits a person from unlawfully purchasing a firearm for another person or conspiring to unlawfully purchase a firearm for another person. Specifies that violation is a fourth-degree felony but that violators may also be prosecuted under other sections of the Criminal Code.

Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/06/2023 - House Consumer and Public Affairs Committee
History: 02/06/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/06/2023—H Also referred to House Judiciary.

Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB314
Sponsors: Romero, A. (D46)
Title: AUTOMATIC EXPUNGEMENT OF CANNABIS-RELATED CRIMINAL RECORDS
Summary: Specifies that the automatic procedure of expungement for cannabis-related criminal records and arrest records applies to court or agency records involving only cannabis and cannabis paraphernalia charges and requires destruction of the records. Directs the Administrative Office of the Courts to implement a confidential procedure allowing persons charged with expungement eligible offenses to verify whether automatic expungement has occurred in fact and allow those persons to request expedited automatic expungement.

Subjects: Criminal Code; Cannabis/Controlled Substances
Progress: 1st House: Reported from Committees
Status: 02/17/2023 - House Judiciary Committee
History: 02/06/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/06/2023—H Also referred to House Judiciary.
 02/17/2023—H Reported Do Pass as amended by House Consumer & Public Affairs.

Comments: Meeting of 14 Feb 23: AOC noted that this is one of the Judiciary's bills, intended to clean up the cannabis expungement process; as the statute is currently written, a court has to go into each case and look at each charge, which takes a long time and tremendous resources; the bill would require people to flag something that should be expunged. LOPD noted that they appreciate the burdens on the court, but that there was a concern that there is a subset of expungement where the person has to petition the court directly. The committee voted to support this legislation by a vote of 8-0, with NMCD abstaining.

Bill: HB316
Sponsors: Dixon (D20)
Title: LAW ENFORCEMENT SEIZURE AND FORFEITURE
Summary: Clarifies that the provisions of the Forfeiture Act apply differently to the transfer of property seized by law enforcement

agencies to the federal government. Prohibits the proceeds of a sale of forfeited property from being deposited in the general fund if the property is seized by the law enforcement agency on behalf of a federal law enforcement authority as a participant in a federal equitable sharing program.

Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Civil Rights
Progress: 1st House: Referred to Committee
Status: 02/06/2023 - House Consumer and Public Affairs Committee
History: 02/06/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/06/2023—H Also referred to House Judiciary.

Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB327
Sponsors: Lord (R22)
Title: SURRENDER OF INFANTS TO FIRST RESPONDERS
Summary: (Duplicate of 2023 SB311; similar to 2022 SB168, HB157, 2020 HB190) Amends the Safe Haven for Infants Act to permit persons to leave infants up to 90 days old with first responders or in safety devices attached to a safe haven site without criminal prosecution; provides procedures for surrender to a first responder; clarifies immunity for a person surrendering the infant; provides limited immunity for staff of the safe haven site; allows for installation and provides requirements for monitoring, operation and inspection of surrender safety devices; requires Children, Youth and Families Department rulemaking and Public Education Department collaboration. Appropriates \$70,000 (GF) to CYFD for public education purposes.

Subjects: Family and Juveniles; Criminal Code; Appropriations; County Affairs; Municipalities/City Government; Health and Medical Practice; Public Safety and Corrections; Schools and Teachers; Insurance
Related: 2023:SB311; 2022:SB168; 2022:HB157; 2020:HB190
Progress: 1st House: Referred to Committee
Status: 02/06/2023 - House Health and Human Services Committee
History: 02/06/2023—H Introduced and referred to House Health & Human Services.
 02/06/2023—H Also referred to House Appropriations & Finance.

Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB331
Sponsors: Lujan (D48)
Title: CRIMINAL BACKGROUND CHECKS FOR CANNABIS LICENSURE
Summary: Amends the Cannabis Regulation Act relating to criminal history and background checks as a condition of eligibility for licensure.

Subjects: Cannabis/Controlled Substances; Criminal Code; State Affairs and State Agencies; Business, Manufacturing and Economic Development; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 02/17/2023 - House Judiciary Committee
History: 02/07/2023—H Introduced and referred to House Commerce & Economic Development.
 02/07/2023—H Also referred to House Judiciary.
 02/17/2023—H Reported Do Pass by House Commerce & Economic Development.

Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB336
Sponsors: Serrato (D45)
Title: DATA INTEGRATION ADVISORY COMMITTEE
Summary: Creates a temporary Data Integration Advisory Committee in the Department of Information Technology to conduct a study on current data structure, sharing, and reporting protocols for all state and local agencies. The Committee is to suggest procedures for efficiently maintaining and sharing data and a long-term structure for statewide data management and sharing. Appropriates \$2 million (GF) to New Mexico Institute of Mining and Technology for use in FYs 2024 and 2025 to manage the Committee and oversee the development of its report.

Subjects: Information Technology; State Affairs and State Agencies; Appropriations; Higher Education; County Affairs; Municipalities/City Government
Progress: 1st House: Reported from Committees
Status: 02/17/2023 - House Appropriations and Finance Committee
History: 02/07/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 02/07/2023—H Also referred to House Appropriations & Finance.
 02/17/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB339
Sponsors: Lord (R22)
Title: CARELESS DRIVING PENALTIES
Summary: Penalizes careless driving that results in death or great bodily harm to another with a misdemeanor. Defines great bodily harm as an injury that creates a high probability of death, that causes serious disfigurement or that causes loss of function of any member or organ of the body.
Subjects: Transportation; Courts and Civil Matters; Criminal Code
Progress: 1st House: Reported from Committees
Status: 02/21/2023 - House Judiciary Committee
History: 02/07/2023—H Introduced and referred to House Transportation, Public Works & Capital Improvements.
 02/07/2023—H Also referred to House Judiciary.
 02/21/2023—H Reported Do Pass by House Transportation, Public Works & Capital Improvements.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB341
Sponsors: Rehm (R31)
Title: COURT-ORDERED SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT
Summary: Directs the court, during a criminal case or after a conviction, to refer the defendant for an evaluation if it appears that they need substance abuse treatment or mental health treatment. Directs the court to order treatment if the evaluation finds that the defendant does need treatment. Includes district court, children’s court, family court, drug court, magistrate court and metropolitan court. The bill does not contain an appropriation, nor does it indicate how treatment costs will be covered.
Subjects: Courts and Civil Matters; Criminal Code; Civil Rights
Progress: 1st House: Referred to Committee
Status: 02/07/2023 - House Health and Human Services Committee
History: 02/07/2023—H Introduced and referred to House Health & Human Services.
 02/07/2023—H Also referred to House Judiciary.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB344
Sponsors: Lane (R3)
Title: RETURN TO WORK AS DETENTION OFFICER
Summary: Permits a retired public employee to return to work as a uniformed detention officer with an affiliated county or juvenile detention facility without suspension of retirement benefits prior to July 1, 2026, under the following conditions:
Subjects: Public Employees/Retirement; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 02/07/2023 - House Labor, Veterans' and Military Affairs Committee
History: 02/07/2023—H Introduced and referred to House Labor, Veterans' & Military Affairs.
 02/07/2023—H Also referred to House Judiciary.
Scheduled: 02/23/2023—*BILL REMOVED* House Labor, Veterans' and Military Affairs Committee, 1:30 p.m., Room 315
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB348
Sponsors: Martinez, A. (R23)

Title: DRIVING SLOWLY IN THE FAST LANE
Summary: Prohibits driving slower than 10 miles per hour less than the posted speed limit in the farthest left lane. Penalizes a violation with a misdemeanor and a \$100 fine.
Subjects: Transportation; Criminal Code; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 02/21/2023 - House Appropriations and Finance Committee
History: 02/08/2023—H Introduced and referred to House Transportation, Public Works & Capital Improvements.
 02/08/2023—H Also referred to House Appropriations & Finance.
 02/21/2023—H Reported Do Pass by House Transportation, Public Works & Capital Improvements.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB357
Sponsors: Dixon (D20)
Title: LAW ENFORCEMENT AND PUBLIC ATTORNEY WORKFORCE CAPACITY BUILDING FUND
Summary: Creates two new workforce funds (one for law enforcement and one for public attorneys) and two committees to help disburse funds meant to boost recruitment for both of these professions; repeals Sec. 9-6-5.3; no appropriation.
Subjects: Public Safety and Corrections; Public Employees/Retirement; Public Finance and Budgets; Municipalities/City Government; County Affairs
Progress: 1st House: Referred to Committee
Status: 02/08/2023 - House Judiciary Committee
History: 02/08/2023—H Introduced and referred to House Judiciary.
 02/08/2023—H Also referred to House Appropriations & Finance.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB358
Sponsors: Lujan (D48)
Title: DONA ANA COUNTY TRANSITIONAL HOUSING FUNDS
Summary: Appropriates \$1.843 million (GF) to the Human Services Department for use in FY2024 to provide funding to an organization in Dona Ana County that is implementing a transitional housing program in an approximately 32-bed facility for people with serious mental illnesses, people who have substance use disorder, and people who have recently been released from incarceration.
Subjects: Appropriations; Human Services; Public Safety and Corrections; County Affairs
Progress: Introduced
Status: 02/08/2023 - House Appropriations and Finance Committee
History: 02/08/2023—H Introduced and referred to House Appropriations & Finance.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB373
Sponsors: Gallegos, Doreen (D52)
Title: LICENSURE AND OPERATION OF CRISIS TRIAGE CENTERS
Summary: Creates a new section of the Mental Health and Developmental Disabilities Code to provide for the creation of Crisis Triage Centers; for licensure of the centers by the Department of Health; and to authorize peace officers to bring individuals in crisis to the centers. Includes a licensed art therapist within the definition of a “qualified mental health professional licensed for independent practices.”
Subjects: Health and Medical Practice; Labor; Insurance; Business, Manufacturing and Economic Development; Human Services; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 02/09/2023 - House Health and Human Services Committee
History: 02/09/2023—H Introduced and referred to House Health & Human Services.
 02/09/2023—H Also referred to House Judiciary.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: HB380
Sponsors: Trujillo (D25)
Title: PAROLE BOARD COMPENSATION
Summary: Authorizes members of the Parole Board to earn compensation at a rate of \$45 a day for up to 4 hours of actual service or \$95 a day for four hours or more of actual service, subject to approval by the Chair of the Board. Per Diem and Mileage are still included for non-salaried public officers.
Subjects: Public Safety and Corrections; Courts and Civil Matters; Criminal Code
Progress: 1st House: Reported from Committees
Status: 02/21/2023 - House Judiciary Committee
History: 02/10/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 02/10/2023—H Also referred to House Judiciary.
 02/21/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.
Comments: Meeting of 14 Feb 23: The Executive Director of the Parole Board informed the committee that the bill allows the members of the Parole Board to be compensated for work they do for the board outside of the parameters of the Per Diem and Mileage Act; at present, members of the board are not compensated for the work they do reviewing files, administrative work, contacting victims, and the like; the amounts are based on the present amounts in the Per Diem and Mileage Act, and thus it is not a huge financial impact. Chair noted that all state boards and commissions should be compensated for the work they do beyond meeting times, as many members of these boards and commissions do a lot of work outside of meetings. LOPD noted that there are a number of bills that have been introduced that add to the work of the Parole Board, including the NMSC’s medical and geriatric parole bill and the bill concerning parole hearings for juveniles sentenced as adults; additionally, a recent Supreme Court opinion requires more parole reviews for people convicted of certain sex offenses. The committee unanimously voted to support this legislation.

Bill: HB387
Sponsors: Garratt (D29)
Title: LAW ENFORCEMENT FUNDING FOR FELONY WARRANTS BACKLOG
Summary: Appropriates \$20 million (GF) to the Department of Finance and Administration for use in FY2024 to reduce the backlog of outstanding felony warrants. The money is to be disbursed as follows:
Subjects: Criminal Code; State Affairs and State Agencies; Appropriations; Public Safety and Corrections; Municipalities/City Government; County Affairs; Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 02/10/2023 - House Appropriations and Finance Committee
History: 02/10/2023—H Introduced and referred to House Appropriations & Finance.
Comments: Meeting of 14 Feb 23: AOC noted that this is one of a few proposals that have been introduced to address the warrant backlog in Bernalillo County; the Court is working with the sponsors of those bills, and this it might be best to table the bill as those discussions are ongoing. The committee voted 8-0, with AODA abstaining.

Bill: HB404
Sponsors: Anyanonu (D19)
Title: VIOLENCE INTERVENTION PROGRAM ACT
Summary: (Similar to 2022 HB96) Cited as the Violence Intervention Program Act, creates a nonreverting fund to be administered by the Department of Health to award grants to state agencies, counties, municipalities or tribal governments that have been “disproportionately impacted by violent crimes.” Appropriates \$15 million (GF, nonreverting) to the new Violence Intervention Program Fund for use in FY2024 and beyond.
Subjects: Courts and Civil Matters; Public Safety and Corrections; Criminal Code; Unknown Subject; Indians; Municipalities/City

Government; State Affairs and State Agencies; Alcohol, Firearms and Tobacco Products
Related: 2022:HB96
Progress: 1st House: Referred to Committee
Status: 02/14/2023 - House Judiciary Committee
History: 02/14/2023—H Introduced and referred to House Judiciary.
 02/14/2023—H Also referred to House Appropriations & Finance.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: HB405
Sponsors: Anyanonu (D19)
Title: MUNICIPALITY CAMERA RECORD RETENTION
Summary: Requires municipalities that have 35 or more cameras, including security footage, traffic cameras, dashboard cameras and others (but not municipal officer lapel cameras) to preserve all audio and video records from every camera for a minimum of 180 days.
Subjects: Municipalities/City Government; Information Technology; Telecommunications
Progress: 1st House: Reported from Committees
Status: 02/22/2023 - House Judiciary Committee
History: 02/14/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 02/14/2023—H Also referred to House Judiciary.
 02/22/2023—H Reported Do Pass by House Government, Elections & Indian Affairs.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: HB406
Sponsors: Anyanonu (D19)
Title: REVIVING CIVIL ACTION DELAYED OR DISMISSED BY PANDEMIC
Summary: Appears to be an attempt to authorize the revival of every civil claim or cause of action (which presumably includes criminal cases) brought against any party in district court during the COVID-19 pandemic if the cases were dismissed due to lack of prosecution, delay in service of process, or delays stemming from the pandemic.
Subjects: Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 02/14/2023 - House Judiciary Committee
History: 02/14/2023—H Introduced and referred to House Judiciary.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: HB429
Sponsors: Zamora (R63)
Title: BANNING CANNABIS IN DETENTION FACILITIES
Summary: Prohibits cannabis as a contraband substance in places of imprisonment unless prescribed by a health care provider. Smuggling cannabis or other contraband into a jail outside of proper channels carries a fourth degree felony.
Subjects: Public Safety and Corrections; Cannabis/Controlled Substances; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/14/2023 - House Consumer and Public Affairs Committee
History: 02/14/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/14/2023—H Also referred to House Judiciary.
Scheduled: 02/23/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: HB445
Sponsors: Thomson (D24)
Title: INCREASING PENALTIES FOR HUMAN TRAFFICKING
Summary: Expands the definition of “sex offender”; expands convictions considered sex offenses requiring registration as a sex offender; eliminates the statute of limitations for human trafficking; increases the age of a child for the crime of sexual exploitation of children by prostitution; provides mandatory restitution for

Subjects: human trafficking; expands the definition of “criminal offense” among other changes related to sex crimes.
Criminal Code; Family and Juveniles; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 02/15/2023 - House Consumer and Public Affairs Committee

History: 02/15/2023—H Introduced and referred to House Consumer & Public Affairs.
02/15/2023—H Also referred to House Judiciary.

Scheduled: 02/23/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: **HB458**

Sponsors: Rehm (R31)

Title: FELONS IN POSSESSION OF A FIREARM

Summary: Provides that the penalty for a felon in possession of a firearm or destructive device is 5 years imprisonment and a third-degree felony. If the felon commits a crime while in possession of a firearm the penalty for the felon in possession of a firearm is 7 years imprisonment and a third-degree felony. Prohibits the sale or transfer of a firearm to a felon and penalizes the sale or transfer with a fourth-degree felony. Deletes references to “serious violent felons.”

Subjects: Criminal Code; Alcohol, Firearms and Tobacco Products

Progress: 1st House: Referred to Committee

Status: 02/16/2023 - House Consumer and Public Affairs Committee

History: 02/16/2023—H Introduced and referred to House Consumer & Public Affairs.
02/16/2023—H Also referred to House Judiciary.

Scheduled: 02/23/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: **HB462**

Sponsors: Chasey (D18)

Title: MUNICIPAL NUISANCE ORDINANCES, PENALTIES, AUDITS, DISTRIBUTIONS

Summary: Amends the Municipal Code relating to nuisances and related penalties. Limits a municipality, including a home rule municipality to the assessment of penalties and fines and prohibits the imposition of additional fees or costs as a part of the penalty. Requires audits; expands contested hearing options. Transfers revenue distribution recipient from the Administrative Office of the Courts and the New Mexico Finance Authority to the General Fund.

Subjects: Municipalities/City Government; Taxation, Fees and Audits; Courts and Civil Matters

Progress: 1st House: Referred to Committee

Status: 02/16/2023 - House Government, Elections and Indian Affairs Committee

History: 02/16/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
02/16/2023—H Also referred to House Judiciary.

Scheduled: 02/24/2023—House Government, Elections and Indian Affairs Committee, 8:30 a.m., Room 305

Comments: Meeting of 21 Feb 23: A public member questioned how this bill relates to the Court’s fees elimination bill.

Bill: **HB468**

Sponsors: Montoya (R1)

Title: BORN ALIVE ACT

Summary: (Almost a duplicate of 2023 HB441) Cited as the “Born Alive Act,” requires medical care for any infant born alive, whether through labor, cesarean section, or abortion; requires mandatory reporting of violations; provides criminal penalties and civil remedies. Creates a task force for reporting and oversight.

Subjects: Health and Medical Practice; Criminal Code; Family and Juveniles; Civil Rights

Related: 2023:HB441

Progress: 1st House: Referred to Committee

Status: 02/16/2023 - House Health and Human Services Committee

History: 02/16/2023—H Introduced and referred to House Health & Human Services.
02/16/2023—H Also referred to House Judiciary.

Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: **HB469**

Sponsors: Montoya (R1)

Title: LEGISLATURE TO SET DISTRICT ATTORNEYS SALARIES

Summary: Provides that the annual salary for district attorneys will be established by the Legislature in an appropriations act.

Subjects: Legislature; Public Employees/Retirement; Labor

Progress: 1st House: Referred to Committee

Status: 02/16/2023 - House Government, Elections and Indian Affairs Committee

History: 02/16/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
02/16/2023—H Also referred to House Judiciary.

Comments: Meeting of 21 Feb 23: AODA noted that the salary regarding DA statutes has never been amended, and the bill repeals some obsolete statutes regarding the DAs. The committee voted to support this legislation by a vote of 5-0, with LOPD and two public members abstaining.

Bill: **HB470**

Sponsors: Lujan (D48); Ivey-Soto (D15)

Title: THE DWI ACT

Summary: Creates the DWI Act. Overhauls the offenses and sentencing for the crime of drinking while intoxicated by alcohol, drugs or both. Creates concurrent jurisdiction for first, second and third DWI offenses between the magistrate and district courts.

Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Health and Medical Practice; Cannabis/Controlled Substances; Transportation; Constitutional Issues and Amendments

Progress: 1st House: Referred to Committee

Status: 02/16/2023 - House Consumer and Public Affairs Committee

History: 02/16/2023—H Introduced and referred to House Consumer & Public Affairs.
02/16/2023—H Also referred to House Judiciary.

Scheduled: 02/23/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: **HB477**

Sponsors: Lord (R22)

Title: PRENATAL SUBSTANCE EXPOSURE SCREENING

Summary: Directs the Department of Health to promulgate rules to develop a universal prenatal substance exposure screening tool to be performed by a health care provider during every prenatal checkup, including questions that investigate whether a pregnant patient has consumed any drugs or alcohol during the patient’s pregnancy.

Subjects: Health and Medical Practice; Family and Juveniles; Human Services; Constitutional Issues and Amendments

Progress: 1st House: Referred to Committee

Status: 02/16/2023 - House Consumer and Public Affairs Committee

History: 02/16/2023—H Introduced and referred to House Consumer & Public Affairs.
02/16/2023—H Also referred to House Health & Human Services.

Scheduled: 02/23/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: **HB484**

Sponsors: Rehm (R31)

Title: PROHIBITING DRIVING WHILE INTOXICATED BY CONTROLLED DRUG

Summary: Prohibits driving under the influence of any drug and removes the requirement that the driver be rendered incapable of safely

driving a vehicle to be convicted of driving while intoxicated. Appears to criminalize any level of blood-alcohol content or any level of metabolites of marijuana or other controlled substances. Removes some blood-alcohol content conditions for arrest. Specifies that ignition interlocks may only be used to test for alcohol.

Subjects: Cannabis/Controlled Substances; Transportation; Public Safety and Corrections; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - House Consumer and Public Affairs Committee
History: 02/16/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/16/2023—H Also referred to House Judiciary.
Scheduled: 03/02/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 21 Feb 23: A public member noted that there is a lack of clarity and testing capability in order for a bill like this to be effectual. The committee voted not to support this legislation by a vote of 5-0, with AODA, DPS, and NMCD abstaining.

Bill: **HB485**
Sponsors: Reeb (R64)
Title: INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILD
Summary: Increases penalties and basic sentences for certain sexual offenses against a child; limits defense for criminal sexual communication with a child; expands the definition of “sex offender.”
Subjects: Family and Juveniles; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - House Consumer and Public Affairs Committee
History: 02/16/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/16/2023—H Also referred to House Judiciary.
Scheduled: 03/02/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 21 Feb 23: DPS noted that this is a DPS bill; there have been challenges to prosecutions of those with large amounts of pornography. LOPD noted that there were technical issues with the bill, as it is not clear with the additions which are for those who are 5-20 years or 5 to life; this is an issue that the NMSC Criminal Code update committee is planning to address, as it is a very complicated issue; additionally, the mandatory enhancement for images of children under a particular age has no mens rea attached concerning whether a person knew they were under that age; LOPD agrees, however, that these statutes need to be updated and is willing to participate in that work. The committee voted to support this legislation by a vote of 4-3 (LOPD and two public members against), with a public member abstaining.

Bill: **HB491**
Sponsors: Borrego (D17)
Title: ENHANCED SENTENCE FOR MULTIPLE AUTO THEFTS
Summary: Provides that multiple violations of unlawful taking of; embezzlement of; or fraudulently obtaining, receiving, or transporting stolen vehicles apply toward sentencing regardless of which section of law was previously violated. Sets penalties.
Subjects: Criminal Code; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - House Consumer and Public Affairs Committee
History: 02/16/2023—H Introduced and referred to House Consumer & Public Affairs.
 02/16/2023—H Also referred to House Judiciary.
Scheduled: 03/02/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: **HB496**
Sponsors: Castellano (D70)
Title: EXPUNGING NON-VIOLENT FELONY RECORDS
Summary: Allows for a person’s non-violent felony record to be expunged

if certain conditions are met.
Subjects: Criminal Code; Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - House Judiciary Committee
History: 02/16/2023—H Introduced and referred to House Judiciary.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: **HB503**
Sponsors: Roybal Caballero (D13)
Title: INDEPENDENT REVIEW OF FORCE ACT
Summary: Establishes a process for independent investigation and prosecution of cases in which police should not have used deadly force; creates a citizen review board to review cases; establishes a special prosecutor database and more related to investigating the use of deadly force; appropriates \$2 million (GF, reverting) for FY 2024 through FY 2026 to the Attorney General to implement the act.
Subjects: Public Safety and Corrections; Criminal Code; Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - House Judiciary Committee
History: 02/16/2023—H Introduced and referred to House Judiciary.
 02/16/2023—H Also referred to House Appropriations & Finance.
Comments: Meeting of 21 Feb 23: AODA noted that it was not clear how the database of special prosecutors was to be established; and that it seemed like this bill was not needed, it was a solution for a problem that does not exist. DPS noted that they submitted a lengthy FIR on this bill; they see almost \$7 million to implement, versus the \$2 million appropriation in the bill; part of the problem is that there are more and more initiatives being placed on DPS, which causes staffing pressures, including where to house staff; additionally, the definition of deadly force does not follow the standard definition; and finally, there is no qualification requirements for the board that is created. NMCD agreed that the definition of deadly force used in the bill is confusing. The committee voted not to support this legislation by a vote of 5-1 (LOPD against), with two public members abstaining.

Bill: **HJR9**
Sponsors: Reeb (R64)
Title: CA: LEGISLATURE TO SET CONDITIONS FOR DENIAL OF BAIL
Summary: (Identical to 2022 HJR4 and 2021 HJR4) Proposes to amend Article 2, Section 13 of the NM Constitution to remove from the courts and delegate solely to the Legislature the power to determine conditions for denial of bail; clarifies that bail may be denied if no release conditions will reasonably ensure the appearance of the person; and removes procedural directions for requesting court relief from requirement to post bond.
Subjects: Criminal Code; Legislature; Public Safety and Corrections; Constitutional Issues and Amendments
Related: 2023:HJR4; 2021:HJR4
Progress: 1st House: Reported from Committees
Status: 02/02/2023 - House Judiciary Committee
History: 01/23/2023—H Introduced and referred to House Government, Elections & Indian Affairs.
 01/23/2023—H Also referred to House Judiciary.
 02/02/2023—H Reported without recommendation by House Government, Elections & Indian Affairs.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: **HM10**
Sponsors: Reeb (R64)
Title: HONORS VICTIMS OF VIOLENT CRIME AND FAMILIES
Summary: Recognizes victims of violent crime and their families and honors their loss and suffering. A copy of the memorial will be transmitted to the Chair of the Crime Victims Reparation Commission
Subjects: Miscellaneous; Criminal Code
Progress: 1st House: Referred to Committee

Status: 02/09/2023 - House Judiciary Committee
History: 01/26/2023—H Introduced and referred to House Judiciary.
 02/09/2023—H Note: Motion to remove from committee and make next order of business (Rep. Reeb).
 02/09/2023—H Note 2: Motion fails (roll call).
Scheduled: 02/24/2023—House Judiciary Committee, 1:30 p.m., Room 309

Bill: **HM40**
Sponsors: Chasey (D18)
Title: TASK FORCE: COMPLIANCE WITH PRISON RAPE ELIMINATION ACT
Summary: (Duplicate of 2023 SM37) Requests that the New Mexico Coalition of Sexual Assault Programs, Incorporated convene a task force to make recommendations for policy and legislative changes to improve compliance of local, county, state and federal jails and detention and correctional facilities with the federal Prison Rape Elimination Act of 2003.
Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; County Affairs; Municipalities/City Government; State Affairs and State Agencies; Interim Studies and Interim Committees; Civil Rights
Related: 2023:SM37
Progress: 1st House: Referred to Committee
Status: 02/09/2023 - House Judiciary Committee
History: 02/09/2023—H Introduced and referred to House Judiciary.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: **SB2**
Sponsors: Cervantes (D31)
Title: SUPREME COURT JUSTICE AND MAGISTRATE SALARIES
Summary: (Identical to 2022 HB151) Mandates that justices of the state Supreme Court receive an annual salary equal to that received by New Mexico federal Magistrate judges. Removes formulas in statute setting magistrates' salaries at a percentage of other judges' salaries.
Subjects: Courts and Civil Matters; County Affairs; Municipalities/City Government; Public Employees/Retirement
Related: 2022:HB151
Progress: 1st House: Reported from Committees
Status: 01/26/2023 - Senate Finance Committee
History: 01/17/2023—S Introduced and referred to Senate Judiciary.
 01/17/2023—S Also referred to Senate Finance.
 01/26/2023—S Reported Do Pass by Senate Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: **SB18**
Sponsors: Sedillo Lopez (D16)
Title: PROTECTION AGAINST ABUSE AND VIOLENCE ACT
Summary: PROTECTION AGAINST ABUSE AND VIOLENCE ACT. Broadens the scope of state law providing for protective orders against violence and abuse. Includes orders of protection in cases or stalking or sexual assault whether the victim is a household member. Makes several procedural and some substantive changes in the law throughout related to protective orders. Renames the Family Violence Protection Act as the "Protection Against Abuse and Violence Act."
Subjects: Criminal Code; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 02/02/2023 - Senate Judiciary Committee
History: 01/26/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/26/2023—S Also referred to Senate Judiciary.
 02/02/2023—S Reported Do Pass as amended by Senate Health and Public Affairs.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: **SB19**
Sponsors: Maestas (D26)
Title: LAW ENFORCEMENT AND PUBLIC SAFETY TELECOMMUNICATOR TRAINING

Summary: Provides mechanisms to strengthen law enforcement and public safety telecommunicator professions and training and authorizes the suspension of law enforcement officers who fail to submit proof of required in-service training. Amends the New Mexico Law Enforcement Standard and Training Council's and the Law Enforcement Certification Board's membership and duties. Appropriates \$3.9 million (GF) to the Law Enforcement Academy and the Law Enforcement Certification Board for specified purposes.
Subjects: Telecommunications; Public Safety and Corrections; Indians
Progress: 1st House: Referred to Committee
Status: 01/25/2023 - Senate Judiciary Committee
History: 01/25/2023—S Introduced and referred to Senate Judiciary.
 01/25/2023—S Also referred to Senate Finance.
Comments: Meeting of 6 Feb 23: The committee voted unanimously to table this bill.

Bill: **SB29**
Sponsors: O'Neill (D13)
Title: MEDICAL AND GERIATRIC PAROLE PROCEDURES
Summary: (For the Courts, Corrections and Justice Committee) (Broadly identical to 2022 SB29 and 2021 SB114) Amends the Probation and Parole Act to add parole procedures for geriatric, permanently incapacitated, and terminally ill inmates, except for inmates convicted of first degree murder. Repeals existing Sec. 31-21-25.1 which provides for medical and geriatric parole.
Subjects: Criminal Code; Aging
Progress: 2nd House: Referred to Committee
Status: 02/10/2023 - House Health and Human Services Committee
History: 01/17/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/17/2023—S Also referred to Senate Judiciary.
 01/25/2023—S Reported Do Pass by Senate Health and Public Affairs.
 01/31/2023—S Reported Do Pass by Senate Judiciary.
 02/09/2023—S Opened for floor debate.
 02/09/2023—S Passed 27-9.
 02/10/2023—H Received in the House and referred to House Health & Human Services.
 02/10/2023—H Also referred to House Judiciary.
Scheduled: 02/24/2023—House Health and Human Services Committee, 8:30 a.m., Room 307
Comments: NMSC bill. Meeting of 24 Jan 23: 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: **SB33**
Sponsors: Shendo (D22)
Title: TRIBAL AND PUEBLO LAW ENFORCEMENT AUTHORITY AS PEACE OFFICERS
Summary: Authorizes certified and commissioned tribal, pueblo and BIA police or law enforcement officers who are certified by the NM Law Enforcement Academy or an academy-approved training program to enforce state laws within the exterior boundaries of the tribal or pueblo officer's reservation without the necessity of also being commissioned as a peace officer by the New Mexico State Police, as required under current law.
Subjects: County Affairs; Municipalities/City Government; Public Safety and Corrections; Indians; Insurance; State Affairs and State Agencies
Progress: Introduced
Status: 01/17/2023 - Senate Indian, Rural and Cultural Affairs Committee
History: 01/17/2023—S Introduced and referred to Senate Indian, Rural & Cultural Affairs.
 01/17/2023—S Also referred to Senate Judiciary.
Scheduled: 02/23/2023—Senate Indian, Rural and Cultural Affairs, 10:00 a.m., Room 303
Comments: Meeting of 24 Jan 23: DPS noted that it had concerns about the legislation, and so noted in their FIR; it should be clear what is taken to certify an officer, and that there were people who had lost their NM certification who were now officers on some pueblos; there was also great concern about the quality of

existing non-Academy certifications of officers. The committee voted not to support this legislation by a vote of 9-0, with AGO abstaining.

Bill: SB34
Sponsors: Pope (D23)
Title: TWO YEAR BAR ON LOBBYING BY FORMER LEGISLATORS
Summary: Amends the Lobbyist Regulation Act to prohibit former legislators from accepting compensation as lobbyists for two years after their legislative service and prohibit lobbyists' employers from compensating former legislators as lobbyists during that period. Upon conviction, a violator is guilty of a misdemeanor and subject to sentencing under Sec. 31-19-1 of the Criminal Code.
Subjects: Criminal Code; Legislature
Progress: 1st House: Reported from Committees
Status: 01/31/2023 - Senate Judiciary Committee
History: 01/17/2023—S Introduced and referred to Senate Rules.
 01/17/2023—S Also referred to Senate Judiciary.
 01/31/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Rules.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB43
Sponsors: Duhigg (D10)
Title: ACTS OF INTIMIDATION AGAINST ELECTION CLERKS AND AGENTS
Summary: (Essentially identical to 2022 SB144) 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: Elections; Criminal Code; County Affairs; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies
Related: 2022:SB144
Progress: 2nd House: Referred to Committee
Status: 02/17/2023 - House Government, Elections and Indian Affairs Committee
History: 01/18/2023—S Introduced and referred to Senate Judiciary.
 01/18/2023—S Also referred to Senate Finance.
 01/31/2023—S Reported Do Pass by Senate Judiciary.
 02/15/2023—S Reported Do Pass by Senate Finance.
 02/16/2023—S Opened for floor debate.
 02/16/2023—S Passed 38-0.
 02/17/2023—H Received in the House and referred to House Government, Elections & Indian Affairs.
 02/17/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB44
Sponsors: Wirth (D25)
Title: NO FIREARMS NEAR A POLLING PLACE
Summary: Prohibits carrying of a loaded or unloaded firearm within 100 feet of a polling place on election day or while early voting is in progress. Prohibition does not apply to (1) a peace or security officer authorized by an appropriate municipal or county election official to be stationed within 100 feet of a polling place or (2) to a peace officer who carries a firearm in the performance of official duties. Violation is a petty misdemeanor.
Subjects: Elections; Public Safety and Corrections
Progress: 2nd House: Referred to Committee
Status: 02/17/2023 - House Government, Elections and Indian Affairs Committee
History: 01/18/2023—S Introduced and referred to Senate Rules.
 01/18/2023—S Also referred to Senate Judiciary.
 02/01/2023—S Reported Do Pass by Senate Rules.
 02/06/2023—S Reported Do Pass by Senate Judiciary.
 02/15/2023—S Opened for floor debate.
 02/15/2023—S Floor amendments failed (Amendment 1) (Sen.

Cliff Pirtle) 13-23.
 02/15/2023—S Floor amendments failed (Substitute 1) (Sen. Gregg Schmedes) 11-25.
 02/15/2023—S Note: Audio: (Substitute 1)(Sen. Gregg Schmedes) 11-25.
 02/15/2023—S Passed 28-9.
 02/17/2023—H Received in the House and referred to House Government, Elections & Indian Affairs.
 02/17/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: DPS expressed the concern as to how this legislation would affect people who had firearms in their car near a polling place.

Bill: SB47
Sponsors: Wirth (D25); Chandler (D43)
Title: NO DRIVER'S LICENSE SUSPENSION FOR FAILURE TO APPEAR OR PAY FINE
Summary: (Similar to 2021 SB7) Amends the Motor Vehicle Code to remove authority, of MVD or a state or tribal court, for a driver's license to be suspended or revoked for failure to appear or pay a motor vehicle fine; provides for reinstatement of any driver's license that was previously suspended or revoked for these reasons.
Subjects: Transportation; Criminal Code; Public Safety and Corrections
Progress: 2nd House: Referred to Committee
Status: 02/15/2023 - House Judiciary Committee
History: 01/18/2023—S Introduced and referred to Senate Judiciary.
 01/18/2023—S Also referred to Senate Finance.
 01/26/2023—S Reported Do Pass as amended by Senate Judiciary.
 02/03/2023—S Reported Do Pass by Senate Finance.
 02/13/2023—S Opened for floor debate.
 02/13/2023—S Passed 33-1.
 02/15/2023—H Received in the House and referred to House Judiciary.
 02/15/2023—H Also referred to House Taxation & Revenue.
Scheduled: 02/24/2023—House Judiciary Committee, 1:30 p.m., Room 309
Comments: Meeting of 24 Jan 23: The committee voted unanimously to table this legislation until they could hear the AOC's concerns about the bill (AOC was not present at the meeting).

Bill: SB63
Sponsors: Tallman (D18)
Title: DISCLOSURE OF FINALISTS' NAMES FOR APPOINTEE EXECUTIVE POSITIONS
Summary: (Essentially identical to 2021 SB39 and 2020 SB161; substantially similar to 2019 SB259) Changes the requirements of the Inspection of Public Records Act to require a state agency or institution or political subdivision of the state to disclose and prominently post on its website the names and resumes of finalists for appointive executive positions. The identity of other applicants or candidates that are not finalists would remain confidential and not be subject to inspection under the act.
Subjects: State Affairs and State Agencies; Public Employees/Retirement; County Affairs; Municipalities/City Government; Schools and Teachers; Information Technology
Related: 2021:SB39; 2020:SB161
Progress: 2nd House: Referred to Committee
Status: 02/23/2023 - House Government, Elections and Indian Affairs Committee
History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/18/2023—S Also referred to Senate Judiciary.
 01/26/2023—S Reported Do Pass by Senate Health and Public Affairs.
 02/20/2023—S Reported Do Pass by Senate Judiciary.
 02/22/2023—S Opened for floor debate.
 02/22/2023—S Passed 31-9.
 02/23/2023—H Received in the House and referred to House Government, Elections & Indian Affairs.
 02/23/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB64
Sponsors: Sedillo Lopez (D16); Chasey (D18)
Title: PROHIBITS LIFE SENTENCE WITHOUT PAROLE FOR YOUTHFUL OFFENDER
Summary: (Similar to 2022 SB43 and 2021 SB247) Prohibits the imposition on minors convicted of serious crimes of a sentence of life imprisonment without the possibility of release or parole. Applies to current and future prisoners.
Subjects: Criminal Code; Family and Juveniles; Public Safety and Corrections
Progress: 2nd House: Referred to Committee
Status: 02/23/2023 - House Consumer and Public Affairs Committee
History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/18/2023—S Also referred to Senate Judiciary.
 01/26/2023—S Reported Do Pass by Senate Health and Public Affairs.
 02/20/2023—S Reported Do Pass as amended by Senate Judiciary.
 02/22/2023—S Opened for floor debate.
 02/22/2023—S Passed 32-8.
 02/23/2023—H Received in the House and referred to House Consumer & Public Affairs.
 02/23/2023—H Also referred to House Judiciary.
Comments: Meeting of 24 Jan 23: The committee voted unanimously to table this legislation pending further information on whether the bill language was a result of a compromise between advocates and AODA.

Bill: SB82
Sponsors: Hemphill (D28)
Title: NO TIME LIMITS TO PROSECUTE RAPE OF MINOR
Summary: Provides no time limitations for commencing a prosecution for criminal sexual penetration of a minor and criminal sexual contract of a minor. Provides a 15-year time limitation for commencing a prosecution for criminal sexual penetration in the second degree.
Subjects: Criminal Code; Family and Juveniles
Progress: Introduced
Status: 01/18/2023 - Senate Judiciary Committee
History: 01/18/2023—S Introduced and referred to Senate Judiciary.
 01/18/2023—S Also referred to Senate Finance.
Comments: Meeting of 24 Jan 23: DPS noted that in general they were in support of this legislation, though they would want to consider further its wider implications. LOPD noted that there is a reason for statutes of limitations – it is less likely that there will be physical evidence as time goes on, and memories fade, so that the process gets further away from the truth. The committee voted to support this legislation by a vote of 5-3 (LOPD and two public members against), with Magistrate Judge and a public member abstaining.

Bill: SB84
Sponsors: O'Neill (D13)
Title: INCARCERATION LIMITS FOR TECHNICAL VIOLATIONS OF PROBATION & PAROLE
Summary: Establishes limits on the Parole Board or the Court for incarceration for technical violations of probation and parole. Applies to a violation of a condition of probation or parole that does not either create a threat to the probationer or released prisoner or others or does not constitute a new criminal charge.
Subjects: Public Safety and Corrections; Criminal Code
Progress: 2nd House: Referred to Committee
Status: 02/17/2023 - House Consumer and Public Affairs Committee
History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/18/2023—S Also referred to Senate Judiciary.
 01/30/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.
 02/09/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.
 02/15/2023—S Opened for floor debate.

02/15/2023—S Floor amendments adopted (Amendment 1) (Sen. Daniel Ivey-Soto) Voice Vote.
 02/15/2023—S Passed 31-8.
 02/17/2023—H Received in the House and referred to House Consumer & Public Affairs.
 02/17/2023—H Also referred to House Judiciary.
Scheduled: 02/28/2023—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317
Comments: Meeting of 24 Jan 23: NMCD noted that this bill directs the Probation and Parole office in how to conduct their violations; at present, a revocation does not have to count against a person, but they would have to count every violation under the legislation; under the legislation it would be more of a challenge to send a person to outpatient treatment upon a violation, versus sending to jail; if they want to work with a person, they would not be able to label something a violation, as the bill toes NMCDs hands; the inclusion of probationers puts an additional burden on the courts, and there would be heavy costs on the counties as more people would be violated to jail. The committee voted unanimously to table this legislation pending further discussions between the sponsor and NMCD.

Bill: SB91
Sponsors: Lopez (D11)
Title: CONDUCT OF LEGISLATORS, PUBLIC OFFICERS AND EMPLOYEES
Summary: Amends the Governmental Conduct Act (GCA) to recognize that a government position is a public trust and express the public policy of the state and the intent of the Legislature in enacting the GCA that the powers and resources of state and local public office should only be used to advance the public interest and not to obtain personal benefits or to pursue private interests.
Subjects: State Affairs and State Agencies; Legislature; County Affairs; Municipalities/City Government; Public Employees/Retirement
Progress: Introduced
Status: 01/18/2023 - Senate Rules Committee
History: 01/18/2023—S Introduced and referred to Senate Rules.
 01/18/2023—S Also referred to Senate Judiciary.
 01/18/2023—S Also referred to Senate Finance.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB96
Sponsors: Munoz (D4)
Title: INCREASE MAXIMUM PENSION FOR LAW ENFORCEMENT
Summary: (Related to 2023 HB66) Increases the pension amount for state police, correctional officer, and probation and parole officer members under coverage plan 1 to a maximum of 100 percent of the final average salary (current maximum is 90 percent).
Subjects: Public Employees/Retirement; Public Safety and Corrections
Related: 2023:HB66
Progress: 2nd House: Referred to Committee
Status: 02/20/2023 - House Labor, Veterans' and Military Affairs Committee
History: 01/18/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/18/2023—S Also referred to Senate Finance.
 01/30/2023—S Reported Do Pass by Senate Health and Public Affairs.
 02/15/2023—S Reported Do Pass by Senate Finance.
 02/17/2023—S Opened for floor debate.
 02/17/2023—S Passed 31-0.
 02/20/2023—H Received in the House and referred to House Labor, Veterans' & Military Affairs.
 02/20/2023—H Also referred to House Appropriations & Finance.
Comments: Meeting of 24 Jan 23: DPS noted that this bill has great interest to their department; there is support in PERA, and it could entice more people to join law enforcement. The committee voted to support this legislation by a vote of 7-0, with AGO abstaining.

Bill: SB114
Sponsors: Neville (R2)
Title: ALLOWS CONCEALED HANDGUNS IN RESTAURANTS THAT SERVE SPIRITOUS LIQUOR OR CIDER
Summary: Expands provisions of the Criminal Code to allow a person to carry a loaded or unloaded concealed handgun on the premises of a restaurant licensed to sell spirituous liquors or cider. Current law already allows a concealed handgun to be carried into restaurants that serve beer or wine. This bill extends it to restaurants that serve spirituous liquor or cider.
Subjects: Alcohol, Firearms and Tobacco Products; Business, Manufacturing and Economic Development; Criminal Code; Public Safety and Corrections; Family and Juveniles; Municipalities/City Government; County Affairs
Progress: 1st House: Reported from Committees
Status: 02/15/2023 - Senate Judiciary Committee
History: 01/19/2023—S Introduced and referred to Senate Tax, Business & Transportation.
 01/19/2023—S Also referred to Senate Judiciary.
 02/15/2023—S Reported without recommendation by Senate Tax, Business & Transportation.
Comments: Meeting of 24 Jan 23: DPS noted that the present statute is confusing, as there is no way for a person to know when they enter an establishment whether it does or does not sell spirituous liquors or cider; DPS supports amending the statute to fix this loophole. The committee split on a vote to support this legislation by a vote of 4-2 (two public members against), with AGO and NMCD abstaining.

Bill: SB116
Sponsors: Hamblen (D38)
Title: MINIMUM AGE TO BUY OR POSSESS CERTAIN SEMI- OR AUTOMATIC FIREARMS
Summary: A new section to the Criminal Code establishes the age of 21 as the minimum age to purchase or possess an automatic firearm, semiautomatic firearm or firearm capable of accepting a large-capacity feeding device. Provides exceptions; provides a penalty. It is equally unlawful to knowingly sell or transfer ownership of this type of firearm to a person under the age of 21. Convictions carry a misdemeanor penalty subject to sentencing under Sec. 31-19-1 of the Criminal Code.
Subjects: Alcohol, Firearms and Tobacco Products; Business, Manufacturing and Economic Development; Criminal Code; Family and Juveniles; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 01/31/2023 - Senate Judiciary Committee
History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/19/2023—S Also referred to Senate Judiciary.
 01/31/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB118
Sponsors: Padilla (D14)
Title: FINANCIAL CRIMES AGAINST THE VULNERABLE
Summary: (Similar to 2021 SB221) Creates two crimes: (1) financial exploitation of an adult who is vulnerable or disabled and (2) unlawful use of a power of attorney. Cited as the Financial Crimes Against Adults Who Are Vulnerable or Disabled Act. Violations constitute third- and second-degree felonies, depending on the number of times the offense is committed. State law enforcement agencies, including the Attorney General, and local law enforcement agencies have concurrent jurisdiction to investigate a report of an allegation of financial exploitation of a vulnerable or disabled adult or of unlawful use of a power of attorney.
Subjects: Aging; Criminal Code; Human Services; Health and Medical Practice; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 01/31/2023 - Senate Judiciary Committee
History: 01/19/2023—S Introduced and referred to Senate Health and

Public Affairs.
 01/19/2023—S Also referred to Senate Judiciary.
 01/19/2023—S Also referred to Senate Finance.
 01/31/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB123
Sponsors: Lopez (D11); Dixon (D20)
Title: REBUTTABLE PRESUMPTION AGAINST RELEASE OF CRIMINAL DEFENDANT PENDING TRIAL
Summary: A new section of the Criminal Code creates a rebuttable presumption against release of a criminal defendant where there is probable cause to believe the defendant committed any one of a host of major felony offenses specified in the bill. A court ruling that the presumption applies is subject to (a) its evaluation that the prosecution has satisfied its burden of proof and (b) taking into consideration factors established by N.M. Supreme Court rules for pretrial detention. Nothing shall be deemed to shift the prosecution's burden of proof to the defendant; the burden of proof rests with the prosecuting attorney. Applies to charges first filed against defendants on or after the effective date of this act.
Subjects: Civil Rights; Constitutional Issues and Amendments; Criminal Code; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/19/2023 - Senate Health and Public Affairs Committee
History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/19/2023—S Also referred to Senate Judiciary.
 01/19/2023—S Also referred to Senate Finance.
Comments: Meeting of 24 Jan 23: DPS noted that this was a Governor's bill and thus had their support. The committee voted to support this legislation by a vote of 6-2 (two public members against).

Bill: SB139
Sponsors: Rodriguez (D24)
Title: FUNDS FOR HOMELESS HEALTH CARE AND HOUSING
Summary: (For the Legislative Health and Human Services Committee) Appropriates \$20 million (GF) to the Human Services Department for use in FY2024 to provide homeless people with access to substance use disorder treatment, behavioral health services, and supportive housing.
Subjects: Human Services; Appropriations; Family and Juveniles; Land, Housing and Real Estate; Health and Medical Practice
Progress: 1st House: Reported from Committees
Status: 01/30/2023 - Senate Finance Committee
History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/19/2023—S Also referred to Senate Finance.
 01/30/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB145
Sponsors: Munoz (D4)
Title: STATE POLICE, CORRECTIONS OFFICERS
Summary: Extends the same retirement plan offered to State Police, corrections officers, probation and parole officers (referred to as "member coverage plan 1") to State Police or corrections officers who retired before June 30, 2013.
Subjects: State Affairs and State Agencies; Public Employees/Retirement; Public Safety and Corrections
Progress: 1st House: Passed
Status: 02/23/2023 - Passed in the Senate
History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/19/2023—S Also referred to Senate Finance.
 02/06/2023—S Reported Do Pass by Senate Health and Public Affairs.
 02/17/2023—S Reported Do Pass by Senate Finance.
 02/23/2023—S Opened for floor debate.

Scheduled: 02/23/2023—S Passed 36-0.
Comments: 02/23/2023—Senate Calendar, 11:00 a.m., Senate Floor Meeting of 24 Jan 23: DPS noted that this would bring officers of captain level and above into the same PERA enhancement arrangement as lower-ranking officers. The committee voted unanimously to support this legislation.

Bill: SB162
Sponsors: Hamblen (D38)
Title: DONA ANA COUNTY: FUNDS FOR TRANSITIONAL HOUSING AND BEHAVIORAL HEALTH SERVICES
Summary: Appropriates \$1.843 million (GF) to the Human Services Department for use in FY2024 to provide funding for an organization in Dona Ana County that is implementing a transitional housing program for people with serious mental illnesses or substance abuse disorders or have recently been released from incarceration.
Subjects: Health and Medical Practice; County Affairs; State Affairs and State Agencies; Human Services; Land, Housing and Real Estate; Appropriations
Progress: 1st House: Reported from Committees
Status: 02/06/2023 - Senate Finance Committee
History: 01/19/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/19/2023—S Also referred to Senate Finance.
 02/06/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SB170
Sponsors: Soules (D37)
Title: INCREASED JUROR COMPENSATION
Summary: Provide for an increase in juror compensation rate. For magistrate, grand or petit juror, the rate of compensation for time in attendance and service shall be paid at the rate of 150% of the greater of the Federal minimum wage rate or the New Mexico minimum wage rate.
Subjects: Courts and Civil Matters; Public Finance and Budgets
Progress: 1st House: Reported from Committees
Status: 02/02/2023 - Senate Finance Committee
History: 01/23/2023—S Introduced and referred to Senate Judiciary.
 01/23/2023—S Also referred to Senate Finance.
 02/02/2023—S Reported Do Pass by Senate Judiciary.
Comments: Meeting of 31 Jan 23: A public member noted that anything that can be done to increase compensation for citizens in a good thing. AODA noted that there are problems filling juries in rural areas, which can delay trials and endanger criminal cases moving forward. AOC noted that while the courts do not oppose this bill, they are concerned about the effective date as there is no appropriation for the coming fiscal year to cover this increased compensation. LOPD expressed the concern that this is an unfunded mandate.

Bill: SB171
Sponsors: Soules (D37)
Title: AUTOMATIC FIREARM SALES
Summary: Would prohibit the sale of automatic firearms, including “assault pistols” and adds new definitions for prohibited weapons in statute.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code
Progress: 1st House: Reported from Committees
Status: 02/07/2023 - Senate Judiciary Committee
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
 02/07/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB172
Sponsors: Ortiz y Pino (D12)

Title: NO STATE DETENTION FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS
Summary: Prohibits housing or detention of individuals for federal civil immigration violations by state or local law enforcement, law enforcement officials, or any unit of state or local government. Requires those entities to terminate any contract or intergovernmental agreement to house or detail civil immigration violators by January 1, 2024; and prohibits any future agreements or transactions that would have the effect of supporting such detention.
Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 02/09/2023 - Senate Judiciary Committee
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
 02/09/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB174
Sponsors: Schmedes (R19)
Title: PRETRIAL RELEASE STANDARDS, BONDS AND RISK ASSESSMENTS
Summary: Allows a defendant the option to waive the necessity of posting bail charges if they prove that they lack the financial means to meet their bail and do not pose an imminent danger to the community.
Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 02/07/2023 - Senate Judiciary Committee
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
 01/23/2023—S Also referred to Senate Finance.
 02/07/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.
Comments: Meeting of 31 Jan 23: LOPD noted that the bill appears to require a showing of indigency in the courtroom, which would duplicate indigency finding LOPD already does; LOPD does approximately 60,000 indigency cases a year, which would be a huge burden on the courts; the rebuttable presumptions in the bill are unconstitutional; and holding more people would put an additional burden on county jails, which are already understaffed. AOC noted they shared these concerns. The committee voted not to support this legislation by a vote of 7-1 (AODA against), with NMCD abstaining.

Bill: SB187
Sponsors: Jaramillo, L. (D5)
Title: HABITUAL OFFENDER SENTENCING
Summary: Excludes personal drug possession charges from being considered habitual offenses for the purposes of extending sentences by one year under all subsections of Sec. 31-18-17.
Subjects: Criminal Code
Progress: 1st House: Reported from Committees
Status: 02/23/2023 - Senate Calendar
History: 01/23/2023—S Introduced and referred to Senate Health and Public Affairs.
 01/23/2023—S Also referred to Senate Judiciary.
 02/09/2023—S Reported Do Pass by Senate Health and Public Affairs.
 02/23/2023—S Reported Do Pass by Senate Judiciary.
Comments: Meeting of 31 Jan 23: LOPD noted that the vast majority of cases where there is just a suspension charge, the judge is willing to suspend the sentence but the habitual offender statute requires serving the enhancement. AODA noted that many trafficking cases are pled to possession, so that the person convicted is not necessarily someone who simply possesses. A motion to support this legislation failed.

Bill: SB199
Sponsors: Woods (R7)
Title: SEPARATING BARNYARD LARCENY CHARGES
Summary: (Duplicate of 2023 HB153) Specifies an additional third-degree felony livestock larceny charge for every animal stolen, increasing the cumulative penalty for stealing a barnyard of farm animals. The theft of multiple livestock shall constitute a separate offense for each individual animal stolen.
Subjects: Agriculture and Ranching; Criminal Code; Courts and Civil Matters
Related: 2023:HB153
Progress: Introduced
Status: 01/24/2023 - Senate Judiciary Committee
History: 01/24/2023—S Introduced and referred to Senate Judiciary. 01/24/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: AODA noted that due to a recent court decision, if someone steals multiple livestock, they can only receive one felony charge for the theft; the problem this bill is trying to address is particularly acute with cattle, where 50 to 100 head can be taken at a time at \$1,000 a head; in present law livestock is separated out in the larceny statute, so a change is needed; the hope is to increase the deterrence value. LOPD noted that in their FIR, they suggested amending the statute in a different way, similar to firearm larceny, with a minimum floor; the statute as written could mean that someone is facing 100s of years in prison for larceny. A vote to support this legislation was spilt, 3-3 (LOPD and two public members against), with AOC, DPS, NMCD, and a Magistrate Judge abstaining.

Bill: SB201
Sponsors: Munoz (D4)
Title: STATE INSPECTORS GENERAL ACT
Summary: (For the Legislative Finance Committee) Cited as the State Inspectors General Act, with the stated purpose of creating independent and objective units within ten state cabinet-level departments, the bill creates an independent Office of Inspector General within each department to perform internal and compliance audits and investigations of the department and state-funded entities. Provides for extensive reporting. Also creates the Government Accountability Coordinating Council to review reports.
Subjects: State Affairs and State Agencies; Public Finance and Budgets; Schools and Teachers; Higher Education
Progress: Introduced
Status: 01/24/2023 - Senate Judiciary Committee
History: 01/24/2023—S Introduced and referred to Senate Judiciary. 01/24/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB215
Sponsors: Moores (R21)
Title: ANIMAL SEXUAL ABUSE ACT
Summary: Creates a new crime of “bestiality” and “aggravated bestiality” in Sec. 30-9A-3 within the Criminal Code, called the Animal Sexual Abuse Act and provides penalties.
Subjects: Agriculture and Ranching; Criminal Code; Miscellaneous; Natural Resources (Parks and Wildlife)
Progress: 1st House: Reported from Committees
Status: 02/20/2023 - Senate Judiciary Committee
History: 01/25/2023—S Introduced and referred to Senate Health and Public Affairs. 01/25/2023—S Also referred to Senate Judiciary. 01/25/2023—S Also referred to Senate Finance. 02/20/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB220
Sponsors: Ortiz y Pino (D12)
Title: CHANGES DISTRIBUTION OF LIQUOR EXCISE TAX PROCEEDS

Summary: As of July 1, 2023, converts the portion of Liquor Excise Tax Receipts flowing to the state General Fund into funding for alcohol and substance abuse treatment through the Local DWI Fund, a carveout for Gallup, The Drug Court Fund, and the County Alcohol and Substance Abuse Prevention and Treatment Fund.
Subjects: Alcohol, Firearms and Tobacco Products; County Affairs; State Affairs and State Agencies; Appropriations
Progress: 1st House: Referred to Committee
Status: 01/25/2023 - Senate Tax, Business and Transportation Committee
History: 01/25/2023—S Introduced and referred to Senate Tax, Business & Transportation. 01/25/2023—S Also referred to Senate Finance.
Scheduled: 02/23/2023—Senate Tax, Business and Transportation Committee, After Floor Session, Room 321
Comments: Meeting of 31 Jan 23: No action was taken on this legislation.

Bill: SB252
Sponsors: Pope (D23); Rubio (D35)
Title: LAW ENFORCEMENT OFFICER PROCEDURES ACT
Summary: (Related to 2021 SB227) Prohibits unlawful use of force by a law enforcement officer; specifies procedures for independent review of use of force and circumstances to be considered; provides penalties; imposes a duty to intervene and prohibits retaliatory action; mandates adoption of agency policies and training regarding use of force and a protocol for reporting officer-involved injuries or deaths; specifies procedures for announcing and showing search warrants.
Subjects: Public Safety and Corrections; Criminal Code; Civil Rights
Related: 2021:SB227
Progress: 1st House: Referred to Committee
Status: 01/26/2023 - Senate Judiciary Committee
History: 01/26/2023—S Introduced and referred to Senate Judiciary. 01/26/2023—S Also referred to Senate Finance.
Comments: Meeting of 31 Jan 23: DPS noted that they had a series of problems with the bills; it would cause a series of policy changes for law enforcement; it would change the parameters for reasonable use of force that have been established in case law; there are constitutional issues as well. The committee voted not to support this legislation by a vote of 6-1 (LOPD against), with AOC and two public members abstaining.

Bill: SB264
Sponsors: Maestas (D26)
Title: AGGREGATION OF EMBEZZLEMENT FOR PENALTIES
Summary: Amends Sec. 30-16-8 of the Criminal Code relating to the crime of embezzlement to aggregate the penalty for embezzlements that are committed within consecutive 12-month periods.
Subjects: Criminal Code; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 02/20/2023 - Senate Judiciary Committee
History: 01/27/2023—S Introduced and referred to Senate Health and Public Affairs. 01/27/2023—S Also referred to Senate Judiciary. 01/27/2023—S Also referred to Senate Finance. 02/20/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: SB265
Sponsors: Sedillo Lopez (D16)
Title: IN-CUSTODY DEATH OR POLICE USE OF DEADLY FORCE: REPORTING AND INVESTIGATING
Summary: (Very similar to 2021 SB274) Creates a reporting mechanism and assignment of a prosecutor after an in-custody death or a law enforcement officer’s use of deadly force resulting in great bodily harm or death.
Subjects: Criminal Code; Public Safety and Corrections; Civil Rights
Related: 2021:SB274
Progress: 1st House: Referred to Committee
Status: 01/27/2023 - Senate Health and Public Affairs Committee

History: 01/27/2023—S Introduced and referred to Senate Health and Public Affairs.
01/27/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 31 Jan 23: DPS noted that they had not been consulted about this legislation; DPS is concerned about the trend to put unfunded duties on DPS; DPS does not currently have the manpower to undertake these duties; in addition, there are already task forces that respond to such situations, which utilize separate agencies, and DPS already investigates incidents all over the state. LOPD noted that it was important that there was transparency in these investigations. The committee voted not to support this legislation by a vote of 6-1 (LOPD against), with AOC and two public members abstaining.

Bill: SB278
Sponsors: Gallegos, David (R41)
Title: TERMINATION OF PARENTAL RIGHTS WITHOUT PERMISSION
Summary: Adds two exceptions in the Adoption Act for the termination of parental rights without consent and provides procedures for filing petitions and requesting a hearing. If the biological father of an adopted child conceived as the result of criminal sexual penetration or incest, no permission is required from that father to terminate his parental rights. No permission is required to terminate the parental rights of a biological parent of an adopted child if that parent's legal and physical custody and visitation rights have been permanently suspended.
Subjects: Criminal Code; Human Services; Public Safety and Corrections; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 02/21/2023 - Senate Judiciary Committee
History: 01/30/2023—S Introduced and referred to Senate Health and Public Affairs.
01/30/2023—S Also referred to Senate Judiciary.
02/21/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: SB288
Sponsors: Jaramillo, L. (D5)
Title: LAW ENFORCEMENT FUND DISTRIBUTION
Summary: Requires the Department of Finance and Administration to establish a program to distribute funds allocated for New Mexico law enforcement, to prevent crime and improve public safety. A similar program exists under current law for local law enforcement agencies to provide recruitment and retention stipends to law enforcement officers.)
Subjects: Public Safety and Corrections; Municipalities/City Government; Public Finance and Budgets
Progress: 1st House: Reported from Committees
Status: 02/23/2023 - Senate Finance Committee
History: 01/31/2023—S Introduced and referred to Senate Health and Public Affairs.
01/31/2023—S Also referred to Senate Finance.
02/23/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.
Comments: Meeting of 6 Feb 23: DPS noted that they liked the idea behind this bill, that there would be additional support for law enforcement support staff. The committee voted to support this legislation by a vote of 5-0, with AGO, LOPD, and two public members abstaining.

Bill: SB302
Sponsors: Stewart (D17)
Title: REDUCING REACH OF THE JUDICIAL STANDARDS COMMISSION
Summary: Strips the Judicial Standards Commission's authority to regulate the conduct and character of court-appointed commissioners, hearing officers, administrative law judges or special masters when the officials are acting in a judicial capacity. Limits the commission's oversight to only justices, judges or magistrates.
Subjects: Courts and Civil Matters

Progress: 1st House: Reported from Committees
Status: 02/21/2023 - Senate Judiciary Committee
History: 02/01/2023—S Introduced and referred to Senate Health and Public Affairs.
02/01/2023—S Also referred to Senate Judiciary.
02/21/2023—S Reported Do Pass by Senate Health and Public Affairs.
Comments: Meeting of 6 Feb 23: AOC noted that the Court had no official position on this bill, but in general they would oppose the discretion of the Judicial Standards Commission to regulate the conduct of judicial officers. The committee voted unanimously to table this bill.

Bill: SB310
Sponsors: Ortiz y Pino (D12)
Title: CRISIS TRIAGE CENTERS
Summary: Authorizes specialized mental health units to involuntarily admit people under certain circumstances and law enforcement officers to detain and transport individuals to these units involuntarily.
Subjects: Health and Medical Practice; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 02/20/2023 - Senate Judiciary Committee
History: 02/01/2023—S Introduced and referred to Senate Health and Public Affairs.
02/01/2023—S Also referred to Senate Judiciary.
02/20/2023—S Reported Do Pass as amended by Senate Health and Public Affairs.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: SB311
Sponsors: Gallegos, David (R41)
Title: SURRENDER OF INFANTS TO FIRST RESPONDERS
Summary: (Similar to 2022 SB168, HB157, 2020 HB190) Amends the Safe Haven for Infants Act to permit persons to leave infants up to 90 days old with first responders or in safety devices attached to a safe haven site without criminal prosecution; provides procedures for surrender to a first responder; clarifies immunity for a person surrendering the infant; provides limited immunity for staff of the safe haven site; allows for installation and provides requirements for monitoring, operation and inspection of surrender safety devices; requires Children, Youth and Families Department rulemaking and Public Education Department collaboration. Appropriates \$70,000 (GF) to CYFD for public education purposes.
Subjects: Family and Juveniles; Criminal Code; Appropriations; County Affairs; Municipalities/City Government; Health and Medical Practice; Public Safety and Corrections; Schools and Teachers; Insurance
Related: 2022:SB168; 2022:HB157; 2020:HB190
Progress: 1st House: Referred to Committee
Status: 02/01/2023 - Senate Judiciary Committee
History: 02/01/2023—S Introduced and referred to Senate Judiciary.
02/01/2023—S Also referred to Senate Finance.
Comments: Meeting of 6 Feb 23: No action was taken on this legislation.

Bill: SB316
Sponsors: Lopez (D11)
Title: JUVENILE COMMUNITY CORRECTIONS GRANTS
Summary: Imposes socio-economic review criteria on CYFD when awarding grants from the Juvenile Community Corrections Grant Fund.
Subjects: Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 02/23/2023 - Senate Finance Committee
History: 02/02/2023—S Introduced and referred to Senate Health and Public Affairs.
02/02/2023—S Also referred to Senate Finance.
02/23/2023—S Reported Do Not Pass but Do Pass as substituted by Senate Health and Public Affairs.
Comments: Meeting of 6 Feb 23: A public member noted that the NMSC Juvenile Committee is working with the Juvenile Community Corrections Director of CYFD on the question of referrals, and

is hoping to develop language to expand the ability to get referrals to those beyond just juveniles who have been adjudicated as delinquent. The committee voted unanimously to table this legislation until conversations could be had with the sponsors.

Meeting of 14 Feb 23: A public member noted that this bill is related to discussions held in the NMSC Juvenile Committee on ways to loosen the statute so that more juveniles could get referrals for services; he had had conversations with members of JJAC and Judge Schneider, who said that there were conversations to rework this bill (as well as SB 339); he added that the only thing in the bill e supports is the adjudicated delinquent change. Another public member noted that the bill as written was confusing and probably not operative; he would like to see the bill specify at risk juveniles, especially as simply using juvenile is confusing as that term is not defined anywhere; he would like to give the concept support, but the bill needs to be done properly.

Bill: SB339
Sponsors: Lopez (D11)
Title: JUVENILE EQUITY COMMUNITY GRANT FUND
Summary: Renames the Juvenile Continuum Grant Fund as the Juvenile Equity Community Grant Fund, expands the uses of the Fund; and adds other provisions aimed at making the provision of juvenile justice continuum services equitable.
Subjects: Family and Juveniles; State Affairs and State Agencies; Courts and Civil Matters; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/03/2023 - Senate Health and Public Affairs Committee
History: 02/03/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/03/2023—S Also referred to Senate Finance.
Comments: Meeting of 6 Feb 23: A public member noted they were not sure why JJAC would be involved with the Juvenile Community Grant Fund. The committee voted unanimously to table this legislation until the bill could be discussed with CYFD.
 Meeting of 14 Feb 23: A public member noted that he had had conversations with members of JJAC and Judge Schneider, who said that there were conversations to rework this bill (as well as SB 316); the use of “equity” might cause confusion, and could cause disruptions in the structure of continuums across the state. The committee voted not to support this legislation by a vote of 7-0, with DPS abstaining.

Bill: SB350
Sponsors: Sedillo Lopez (D16)
Title: U VISA CERTIFICATION ACT
Summary: Cited as the U Visa Certification Act, the bill is directed at agencies of local and state government, including law enforcement and the courts, who assume the status of being the Certifying Agency for purposes of certifying to Homeland Security Department whether an immigrant who is the victim of a crime has been helpful in assisting the government agency in conducting its investigation of the crime.
Subjects: Courts and Civil Matters; Criminal Code; Family and Juveniles; Civil Rights
Progress: 1st House: Referred to Committee
Status: 02/06/2023 - Senate Health and Public Affairs Committee
History: 02/06/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/06/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: SB363
Sponsors: Maestas (D26)
Title: VOLUNTARY MANSLAUGHTER EXCLUSION
Summary: (Analysis Revised 2/8/23) The purpose of the bill, as reported in a news article in today's Santa Fe New Mexico, is to preclude a murder defendant from obtaining a jury instruction for a lesser

manslaughter charge if the offense occurred while the accused was trying to escape after committing a felony or resisting lawful arrest. The bill accomplishes this by changing the definition of "voluntary manslaughter" (Sec. 30-2-3) to exclude a killing committed during an escape from the commission of a felony offense or while resisting lawful arrest from the definition of voluntary manslaughter (a non-malicious killing committed in a sudden quarrel or heat of passion). The bill itself does not address what crime, if any, consists of killing during an escape from committing a felony offense or while resisting lawful arrest--only that it does not fit the definition of "voluntary manslaughter" and a jury instruction could therefore not issue, since it no longer fits the necessary elements of the crime.
 Criminal Code

Subjects:
Progress: 1st House: Referred to Committee
Status: 02/07/2023 - Senate Health and Public Affairs Committee
History: 02/07/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/07/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 14 Feb 23: LOPD noted that there were issues with drafting of this bill; the way it is written, by excluding the subset of an action, could have the effect of making certain conduct non-criminal; if the act does not rise to the level of murder, the conduct could fall away; additionally, the bill upturns decades, or more, of common law understanding of what constitutes provocation.

Bill: SB368
Sponsors: Pope (D23)
Title: LAW ENFORCEMENT BODY-CAMERA EXCEPTIONS
Summary: Provides exceptions to the use of body-worn cameras by law enforcement officers in the following instances:
Subjects: Public Safety and Corrections; Civil Rights
Progress: 1st House: Referred to Committee
Status: 02/07/2023 - Senate Health and Public Affairs Committee
History: 02/07/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/07/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: SB388
Sponsors: O'Neill (D13)
Title: CHILD DETENTION AGE LIMIT
Summary: Raises the age for a child who may be held in detention, under the Delinquency Act, from 11 years old to 12 years or older.
Subjects: Family and Juveniles; Courts and Civil Matters; Public Safety and Corrections; Human Services
Progress: 1st House: Referred to Committee
Status: 02/08/2023 - Senate Health and Public Affairs Committee
History: 02/08/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/08/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: SB399
Sponsors: Maestas (D26)
Title: SOLITARY CONFINEMENT CHANGES
Summary: Increases the minimum age at which an inmate can be put in solitary confinement; creates other restrictions for placing certain inmates in solitary confinement and makes changes to the reporting policy for people placed in restricted housing (requiring the name and inmate ID, but no longer requiring the reason for being placed in solitary confinement in reports).
Subjects: Public Safety and Corrections; Civil Rights
Progress: 1st House: Referred to Committee
Status: 02/09/2023 - Senate Health and Public Affairs Committee
History: 02/09/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/09/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 14 Feb 23: The committee voted 8-0, with a public member abstaining, to table this legislation until input could be had from the Secretary of Corrections.

Bill: SB406
Sponsors: Pope (D23)
Title: JOINT JURISDICTION FOR JUVENILE CRIMES ON A MILITARY BASE
Summary: Creates a procedure in the Children’s Code where upon request of the United States, the state establishes joint jurisdiction over crimes committed by children on a military base, provided that the state Children’s Court still retain jurisdiction.
Subjects: Criminal Code; Family and Juveniles
Progress: 1st House: Referred to Committee
Status: 02/10/2023 - Senate Health and Public Affairs Committee
History: 02/10/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/10/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: SB414
Sponsors: Pinto (D3)
Title: CRIME VICTIMS REPARATION ACT ELIGIBILITY FOR INDIGENOUS PERSONS
Summary: Makes missing or murdered indigenous people or their dependents eligible for reparations under the Crime Victims Reparation Act. To qualify, an indigenous person must be a missing person under the Missing Persons Information and Reporting Act or have been the victim of a murder pending investigation by law enforcement, the District Attorney, or the Attorney General.
Subjects: Criminal Code; Courts and Civil Matters; Indians
Progress: 1st House: Reported from Committees
Status: 02/16/2023 - Senate Judiciary Committee
History: 02/13/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/13/2023—S Also referred to Senate Judiciary.
 02/15/2023—S Committee referrals changed.
 02/15/2023—S Referral withdrawn from Senate Health and Public Affairs.
 02/15/2023—S Referred to Senate Indian, Rural & Cultural Affairs.
 02/15/2023—S Also referred to Senate Judiciary.
 02/16/2023—S Reported Do Pass by Senate Indian, Rural & Cultural Affairs.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: SB425
Sponsors: Ortiz y Pino (D12)
Title: COUNTY DETENTION FACILITY TREATMENT PROGRAMS
Summary: Requires establishment of medication-assisted treatment programs in county detention facilities and expands such treatment programs in state corrections facilities; makes a \$10 million appropriation from the opioid settlement fund within the Attorney General’s Office and \$2 million (GF) to help administer the programs.
Subjects: Public Safety and Corrections; County Affairs; Cannabis/Controlled Substances
Progress: 1st House: Referred to Committee
Status: 02/13/2023 - Senate Health and Public Affairs Committee
History: 02/13/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/13/2023—S Also referred to Senate Finance.
Comments: Meeting of 21 Feb 23: A public member noted that this bill had been discussed in the NMSC Reform Committee’s working group on behavioral health issues; this treatment has been successfully used for over 10 years in other places. AODA questioned what funding would be available once the funding in the legislation was used, and how the funds would be disbursed. NMCD noted that the department was in conversation with the sponsor; the department was running a pilot program in their Grants facility for women, but found that there was an issue that there was no funding for following up with inmates once they were released into the community. The committee voted to support this legislation by a vote of 5-1 (NMCD against), with

AODA and DPS abstaining.

Bill: SB427
Sponsors: Cervantes (D31)
Title: FIREARM PURCHASE WAITING PERIODS
Summary: Creates a 14-day waiting period, starting from the submission of a federal instant background check, for the physical transfer of a firearm from seller to purchaser. Excepts purchasers who hold a concealed carry license from the waiting period and from otherwise required federal instant background checks. Creates a penalty of a misdemeanor for each party violating the waiting period. Removes the penalty for not conducting a federal instant background check on those with a concealed carry permit.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/13/2023 - Senate Health and Public Affairs Committee
History: 02/13/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/13/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 21 Feb 23: DPS noted that there was a concern with this legislation as while it exempts those qualified for concealed carry, it does not have a similar exemption for law enforcement officers, who have received training and psychological assessments.

Bill: SB429
Sponsors: McKenna (D9)
Title: ILLEGAL TETHERING OF DOG
Summary: Creates a misdemeanor offense for tethering or restraining a dog for longer than necessary for a person to complete a temporary task for a reasonable period; provides exceptions for veterinary, scientific research, herding livestock, and cultivating agricultural products. Provides definitions.
Subjects: Criminal Code; Agriculture and Ranching; Miscellaneous
Progress: 1st House: Referred to Committee
Status: 02/14/2023 - Senate Health and Public Affairs Committee
History: 02/14/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/14/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: SB431
Sponsors: Sedillo Lopez (D16)
Title: ALLOWS JUVENILE CORRECTIONAL OFFICERS TO ELECT DIFFERENT COVERAGE PLAN
Summary: Directs PERA board to conduct an election among juvenile correctional officers currently contributing under state general member coverage plan 3 to determine if they wish to switch to state police member, correctional police member and probation and parole officer member coverage plan 1. If they do elect to switch, the credited service of juvenile correctional officers accrued after July 1, 2024 shall be increased by 20%.
Subjects: Public Employees/Retirement; State Affairs and State Agencies
Progress: 1st House: Referred to Committee
Status: 02/14/2023 - Senate Health and Public Affairs Committee
History: 02/14/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/14/2023—S Also referred to Senate Finance.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: SB451
Sponsors: Pirtle (R32)
Title: SECURITY REVIEWS AND TRANSPARENCY FOR PAROLE-ELIGIBLE INMATES
Summary: Creates a review process for recent phone calls and demerits earned by an inmate 30 days prior to any parole hearing for the release of an inmate from confinement. Directs the Parole Board to webcast parole hearing live online.
Subjects: Criminal Code; Public Safety and Corrections
Progress: 1st House: Referred to Committee

Status: 02/15/2023 - Senate Health and Public Affairs Committee
History: 02/15/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/15/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 21 Feb 23: NMCD noted that this legislation would impose significant costs on the department, and particularly incur significant staff costs. The Parole Board noted that costs to NMCD would be around \$12 million; additionally, from the Parole Board side there are statutory requirements not to release certain information; broadcasting Parole Board hearings would particularly pose problems for sensitive cases like those involving sex offense, which would broadcast sensitive issues and could create security risks for victims, families, and Board members; there would also be HIPPA and other confidentiality concerns regarding medical information that is used in deliberations. The committee voted unanimously not to support this legislation.

Bill: SB477
Sponsors: Lopez (D11)
Title: FUNDS FOR PREVENTIVE DETENTION: 2ND JUDICIAL DISTRICT
Summary: Appropriates \$400,000 (GF) to the Second Judicial District Attorney for use in FY 2024 to enhance funding for preventive detention efforts, including the hiring of new staff focused primarily on pretrial detention hearings.
Subjects: Miscellaneous; Criminal Code; Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - Senate Judiciary Committee
History: 02/16/2023—S Introduced and referred to Senate Judiciary.
 02/16/2023—S Also referred to Senate Finance.
Comments: Meeting of 21 Feb 23: LOPD noted that if monies are given to the Second Judicial District Attorney’s office, more money would be needed throughout the system.

Bill: SB489
Sponsors: Maestas (D26)
Title: GRAND JURY PANELS CONVENED BY THE DA AND THE AG
Summary: Authorizes the District Attorney and the Attorney General to convene one or more grand jury panels at a time, without regard to court terms, using the same process as if it were convened by a district judge. Authorizes the DA or the AG to determine and provide for a hearing location if the district judge determines that there are insufficient court facilities to accommodate a grand jury panel. Directs the DA and AG to comply with usual grand jury procedures such as arrangements for interpreters, court reporters, security personnel and other accommodations.
Subjects: Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - Senate Health and Public Affairs Committee
History: 02/16/2023—S Introduced and referred to Senate Health and Public Affairs.
 02/16/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 21 Feb 23: AODA noted that in the past DAs could convene grand juries, but that was many years ago; at present they are convened by a District Judge or through a citizen petition; at times they are not convened because of the cost.

Bill: SB491
Sponsors: Munoz (D4)
Title: DISTRIBUTION INCREASE FOR LAW ENFORCEMENT RETENTION FUND
Summary: Enhances the base of the Premium Tax distribution to the Law Enforcement Protection Fund as a way to grow the balances in the Law Enforcement Retention Fund by adding certain fees derived from health insurance business in New Mexico to that base.
Subjects: Insurance; Banks, Securities and Loans; Public Employees/Retirement; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - Senate Tax, Business and Transportation

History: Committee
 02/16/2023—S Introduced and referred to Senate Tax, Business & Transportation.
 02/16/2023—S Also referred to Senate Finance.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.

Bill: SJM2
Sponsors: Munoz (D4)
Title: STUDY STATE EMPLOYEE CLASSIFICATION AND COMPENSATION SYSTEMS
Summary: Requests that the Legislative Council Service (1) commission a governmentwide study of employee classification and compensation systems and benefits practices across all branches of state government; and (2) appoint a joint task force to support and monitor the progress of the study.
Subjects: Public Employees/Retirement; State Affairs and State Agencies; Legislature
Progress: 1st House: Reported from Committees
Status: 02/01/2023 - Senate Health and Public Affairs Committee
History: 01/19/2023—S Introduced and referred to Senate Rules.
 01/19/2023—S Also referred to Senate Health and Public Affairs.
 02/01/2023—S Reported Do Pass by Senate Rules.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SJR3
Sponsors: Brandt (R40)
Title: CA: NONPARTISAN JUDICIAL ELECTIONS
Summary: (Identical to 2022 SJR6 as SRC amended) Proposes to amend Article 6, Sec. 33 of the state Constitution to require that all elections for Justice of the Supreme Court, Judge of the Court of Appeals, District Judge, and Metropolitan Court Judge be nonpartisan.
Subjects: Courts and Civil Matters; Constitutional Issues and Amendments; Elections
Related: 2022:SJR6
Progress: 1st House: Referred to Committee
Status: 01/19/2023 - Senate Rules Committee
History: 01/19/2023—S Introduced and referred to Senate Rules.
 01/19/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 24 Jan 23: No action was taken on this legislation.

Bill: SM37
Sponsors: Pope (D23)
Title: TASK FORCE: COMPLIANCE WITH PRISON RAPE ELIMINATION ACT
Summary: Requests that the New Mexico Coalition of Sexual Assault Programs, Incorporated convene a task force to make recommendations for policy and legislative changes to improve compliance of local, county, state and federal jails and detention and correctional facilities with the federal Prison Rape Elimination Act of 2003.
Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; County Affairs; Municipalities/City Government; State Affairs and State Agencies; Interim Studies and Interim Committees; Civil Rights
Progress: 1st House: Referred to Committee
Status: 02/09/2023 - Senate Rules Committee
History: 02/09/2023—S Introduced and referred to Senate Rules.
 02/09/2023—S Also referred to Senate Health and Public Affairs.
Comments: Meeting of 14 Feb 23: No action was taken on this legislation.

Bill: SM54
Sponsors: Pope (D23)
Title: PRISON RAPE ELIMINATION TASK FORCE
Summary: Requests that the New Mexico Coalition of Sexual Assault Programs, Inc., be requested to convene a task force to make recommendations for policy and legislative changes to improve compliance of local, county, state and federal jails and detention and correctional facilities with the federal Prison Rape

Elimination Act of 2003
Subjects: Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 02/16/2023 - Senate Rules Committee
History: 02/16/2023—S Introduced and referred to Senate Rules.
02/16/2023—S Also referred to Senate Judiciary.
Comments: Meeting of 21 Feb 23: No action was taken on this legislation.