

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 31 amends Section 30-20-16, relating to bomb scares and shooting threats, by increasing the penalty for a shooting threat to a fourth degree felony from the current level of misdemeanor.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Shooting threats were added to this section of law in 2022, and added as a misdemeanor. In a press release related to this current legislation, New Mexico Attorney General Raúl Torrez noted that over a dozen schools in the state have had shooting threats in the past year (<https://nmdoj.gov/press-release/attorney-general-raul-torrez-proposes-new-legislation-to-combat-rise-in-mass-shooting-threats>).

The Educator's School Safety Network notes that while threats to schools seems to have declined, after years of rising, by the 2023-2024 school year to levels last seen in the 2016-2017 school year, the number of violent incidents at schools has increased. (<https://eschoolsafety.org/violence>).

A recent research paper discusses statutes punishing school shooting threats noted the variance in penalties from state to state, and the difficulties in ascribing *mens rea* to those who make such threats. Kaufman, "Criminalizing Threats Against Schools: A Divergence of Mens Rea and Punishment Severity in Recent State Legislation", *Fordham Law Review* (2023) (available at: https://fordhamlawreview.org/wp-content/uploads/2023/05/Kaufman_May.pdf).

It is difficult to determine what the effect of passing HB 31 would be on the state's prison population, but the penalties included in the bill could lead to more people being incarcerated by the Corrections Department as the penalty is being increased from a misdemeanor to a felony. The average per day cost to incarcerate someone in the state's prison system is \$155.63/day; this average includes private and public facilities. Additionally, increasing a penalty from a misdemeanor to a felony has implications for increased collateral consequences of a conviction.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS