

**LFC Requester:**

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**  
**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/22/25 *Check all that apply:*  
**Bill Number:** HB 50 Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Cynthia Borrego **Agency Name and Code** AOC  
**Short Title:** Penalties for Vehicle Thefts **Number:** 218  
**Title:** \_\_\_\_\_ **Person Writing** Kathleen Sabo  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HB 50 amends Sections 30-16D-1 through 4 NMSA 1978 to create an overall penalty scheme for the crimes of: 1. Unlawful taking of a vehicle or motor vehicle (Section 30-16D-1); 2. Embezzlement of a vehicle or motor vehicle (Section 30-16D-2 NMSA 1978); 3. Fraudulently obtaining a vehicle or motor vehicle (Section 30-16D-3 NMSA 1978); and 4. Receiving or transferring stolen vehicles or motor vehicles (Section 30-16D-4 NMSA 1978).

Under HB 50, the new Section 30-16D-5.1 (NMSA 1978), the following penalties are prescribed for violations of any of the provisions in Sections 30-16D-1 through 4 NMSA 1978:

- A. fourth degree felony for a first offense;
- B. third degree felony for a second offense, regardless of which provision was the first offense; and
- C. second degree felony for a third or subsequent offense, regardless of which provision was the first or second offense.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

The overall penalty scheme in HB 50 effectively increases penalties. Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

#### **SIGNIFICANT ISSUES**

1) While the proposed penalties for a first, second and third or subsequent offense are the same as those imposed for the individual crimes, the overall penalty scheme in HB 50 effectively increases penalties by aggregating the offenses listed in Sections 30-16D-1 through 4 NMSA 1978. Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

2) In the FIR for 2023's HB 491, a duplicate to HB 50, it was noted that

Research shows the certainty of being caught is a more powerful deterrent to crime than severity of punishment. As a result, increasing penalties for crimes is unlikely to produce a significant impact on crimes committed. Incarceration (and length of incarceration) has also been shown to have a criminogenic effect, meaning time in jail or prison may make

people more likely to commit crimes in the future.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

#### **AMENDMENTS**