

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/23/25

Check all that apply:

Bill Number: HB 50

Original Correction
Amendment Substitute

Sponsor: Rep. Cynthia Borrego

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: PENALTIES FOR VEHICLE THEFTS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Bill HB 50 proposes amendments to the penalties for NMSA 1978, Sections 30-16D-1 to 30-16D-4 and proposes a new section, Section 30-16D-5.1. Section 30-16D-1 is Unlawful Taking of a Vehicle or Motor Vehicle, Section 30-16D-2 is Embezzlement of a Vehicle or Motor Vehicle, Section 30-16D-3 is Fraudulently Obtaining a Vehicle or Motor Vehicle, and Section 30-16D-4 is Receiving or Transferring Stolen Vehicles or Motor Vehicles. Each Section includes penalties for violating the respective Section.

The amendments propose to remove penalties language entirely from Sections 30-16D-1 to 30-16D-4 and add Section 30-16D-5.1 as a separate, single penalties section for Sections 30-16D-1 to 30-16D-4. The amendments further propose revisions to the penalties imposed for violations of Sections 30-16D-1 to 30-16D-4.

The penalties currently provided for violations of Sections 30-16D-1 to 30-16D-4 are the same for violating each respective Section: a first offense is a fourth degree felony, a second offense is a third degree felony, and a third or subsequent offense is a second degree felony.

The amendment proposes to alter the penalties for violations of Sections 30-16D-1 to 30-16D-4. The amendments provide that violating any of the provisions of Sections 30-16D-1 to 30-16D-4 is a fourth degree felony for a first offense, a second offense is a third degree felony, regardless of which provision was the first offense, and a third or subsequent offense is a second degree felony, regardless of which provision was the first or second offense.

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.

None for this office.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

For purposes of clarity, may want to consider renumbering the proposed new material. The new material is presented under “Section 5” as Section 30-16D-5.1. Section 30-16D-5 is Injuring or Tampering with a Motor Vehicle, Section 30-16D-6 is Altering or Changing Engine or Other Numbers and Section 30-16D-7 is Operating a Chop Shop; Penalty. The proposed new material could potentially be added as Section 30-16D-5, and Sections 30-16D-5 to 30-16D-7 could be renumbered to Sections 30-16D-6 to 30-16D-8, respectively, or the proposed new material could potentially be added as Section 30-16D-8.

It should also be noted that certain language has been omitted from the bill; certain references to “[Chapter 66, Articles 1 to 8 NMSA 1978]” are not included, as provided below:

In the bill, Section 30-16D-1 states, “Unlawful taking of a vehicle or motor vehicle consists of a person taking any vehicle or motor vehicle as defined by the Motor Vehicle Code intentionally and without consent of the owner.” The statute currently states, “Unlawful taking of a vehicle or motor vehicle consists of a person taking any vehicle or motor vehicle as defined by the Motor Vehicle Code [Chapter 66, Articles 1 to 8 NMSA 1978] intentionally and without consent of the owner.”

In the bill, Section 30-16D-2 states, “Embezzlement of a vehicle or motor vehicle consists of a person embezzling or converting to the person's own use a vehicle or motor vehicle as defined by the Motor Vehicle Code, with which the person has been entrusted, with the fraudulent intent to deprive the owner of the vehicle or motor vehicle.” The statute currently states, “Embezzlement of a vehicle or motor vehicle consists of a person embezzling or converting to the person's own use a vehicle or motor vehicle as defined by the Motor Vehicle Code [Chapter 66, Articles 1 to 8 NMSA 1978], with which the person has been entrusted, with the fraudulent intent to deprive the owner of the vehicle or motor vehicle.”

In the bill, Section 30-16D-3 states, “Fraudulently obtaining a vehicle or motor vehicle consists of a person intentionally misappropriating or taking a vehicle or motor vehicle as defined by the Motor Vehicle Code that belongs to another person by means of fraudulent conduct, practices or representations.” The statute currently states, “Fraudulently obtaining a vehicle or motor vehicle consists of a person intentionally misappropriating or taking a vehicle or motor vehicle as defined by the Motor Vehicle Code [Chapter 66,

Articles 1 to 8 NMSA 1978] that belongs to another person by means of fraudulent conduct, practices or representations.”

Finally, in the bill, Section 30-16D-4 states, “Receiving or transferring a stolen vehicle or motor vehicle consists of a person who, with intent to procure or pass title to a vehicle or motor vehicle as defined by the Motor Vehicle Code that the person knows or has reason to believe has been stolen or unlawfully taken, receives or transfers possession of the vehicle or motor vehicle from or to another or who has in the person's possession any vehicle that the person knows or has reason to believe has been stolen or unlawfully taken.” The statute currently states, “Receiving or transferring a stolen vehicle or motor vehicle consists of a person who, with intent to procure or pass title to a vehicle or motor vehicle as defined by the Motor Vehicle Code [Chapter 66, Articles 1 to 8 NMSA 1978] that the person knows or has reason to believe has been stolen or unlawfully taken, receives or transfers possession of the vehicle or motor vehicle from or to another or who has in the person's possession any vehicle that the person knows or has reason to believe has been stolen or unlawfully taken.”

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A