

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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: 22 January 2025 *Check all that apply:*
Bill Number: HB 50 Original Correction
 Amendment Substitute

Sponsor: Borrego **Agency Name and Code** NM Sentencing Commission -- 354
Short Title: Penalties for Vehicle Thefts **Number:** _____
Title: _____ **Person Writing** Douglas Carver
Phone: 505-239-8362 **Email** dhmcarver@unm.edu

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

BILL SUMMARY

Synopsis:

HB 50 amends Section 30-16D-1 (concerning unlawful taking of a vehicle or motor vehicle), 30-16D-2 (concerning embezzlement of a vehicle or a motor vehicle), 30-16D-3 (concerning fraudulently obtaining a vehicle or motor vehicle), and 30-16D-4 (concerning receiving or transferring stolen vehicles or motor vehicles) by removing the penalties, which are then placed in a new section of law. While the scheme of penalty escalations from the four statutes do not change – a 4th degree felony for a first offense, a 3rd degree felony for a second offense, and a 2nd degree felony for a third or subsequent offense – under HB 50, subsequent offenses are charged for a violation of any of the four statutes, versus existing law where the escalations occur only if someone violates the particular offense on multiple occasions.

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

It is difficult to determine what the effect of passing HB 50 would be on the state's prison population, but the increased penalties included in the bill and the broader scope for escalating penalties could lead to more people being incarcerated by the Corrections Department, and/or people being incarcerated for longer periods of time. 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.

The Sentencing Commission pulled up cases with lead offense 30-16D violations since FY2023. This resulted in 1,030 unique charges of a 30-16D violation as of December 2024. Aggregating cases to dispositions based on the charge with the highest degree resulted in 867 unique 30-16D dispositions. Aggregating cases to unique people using their party ID resulted in 709 unique individuals.

Of these 709 unique individuals charged with any 30-16D violation within the time scale, 115 (16.2%) of them had multiple dispositions for 30-16D. In other words, 115 individuals would be within the legal area to have an escalating penalties effect in their sentencing per the *current* statute. These are “repeat offenders” when it comes to motor vehicle theft crimes.

Of these 115 repeat offenders, 52 had different statutes within their priors, meaning these 52 individuals would be hypothetically sentenced differently under the new language. Of these 52 individuals, 30 would be charged with a 3rd degree felony for a second offense, and 22 would be

charged with a 2nd degree felony for a third or subsequent offense.

It is worth mentioning that in analyzing the dispositions under the current law, it appears that the present escalation language is applied inconsistently at sentencing, creating added difficulty in assessing what impact the changes in HB 50 might have on incarceration.

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