

LFC Requester:	Scott Sanchez
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**AGENCY BILL ANALYSIS
2025 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}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date Prepared: 1/22/2025
Bill No: HB 50

Sponsor
: Rep. Cynthia Borrego

Agency Name and Code
Number: Office of the Superintendent of Insurance - 440

Person Writing Analysis: Devin Chapman

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		
\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None at this time.

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

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 50 (HB50) allows four separate auto-theft felonies to be aggregated for purposes of determining the relevant penalty. HB 50 proposes to allow aggregation of the penalties for the crimes of unlawful taking of a motor vehicle (Section 30-16D-1 NMSA 1978), embezzlement of a vehicle or motor vehicle (Section 30-16D-2 NMSA 1978), fraudulently obtaining a vehicle or a motor vehicle (Section 30-16D-3 NMSA 1978), and receiving or transferring stolen vehicles or motor vehicles (Section 30-16D-4 NMSA 1978).

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

New Mexico has ranked in the top ten for motor vehicle thefts for nearly a decade, and among the top five for most of the last five years. While Albuquerque has had a longstanding auto theft problem (ranked #1 worst in the country for three years straight in 2016-2018, remaining in the top ten since), auto theft is a problem across New Mexico with both Las Cruces and Santa Fe climbing into the top thirty in 2022.

A significant portion of these offenses are committed by repeat offenders, but the current statutory language does not treat the chronic nature of this problem. Offenders who have previously been convicted of one form of auto theft face the same criminal penalties as first-time offenders on new incidents of any other type of auto theft. For example, a person convicted of unlawful taking of a motor vehicle, who then commits embezzlement of a vehicle or motor vehicle, would only be charged with a fourth degree felony because this would be considered a first offense, even though the offender has a history of auto-related thefts. Despite statutory amendments made in 2009 specifically aimed at increasing the penalties on repeat offenders, the current statutory construction frustrates those clear intentions.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Relation to Habitual Offender Statutes:

Section 31-18-17 NMSA 1978 allows for sentencing enhancements for habitual offenders. It is unclear whether the penalties in this bill are intended to be in addition to habitual offender sentencing enhancements or whether the proposed language is meant to be an alternative to traditional sentencing enhancements.

Same Transaction and Occurrence:

In the bill as written, it is unclear whether an offense must arise out of a separate transaction or occurrence, whether it can arise in the same transaction or occurrence, or both. In other words, is a first offense one that arose out of a separate transaction or occurrence or is the first offense one that arose as the first in a series of offenses in the same transaction and occurrence?

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo. Repeat offenders will frequently be treated similarly to and face the same exposure as first time auto theft offenders, limiting the options for supervision, treatment, and rehabilitation available to the courts and prosecutions agencies attempting to combat the auto theft rates across New Mexico.

AMENDMENTS

If the bill is not meant to be an alternative to traditional sentencing enhancements, an amendment is needed. Otherwise, it is presumed that this bill would apply alongside Section 31-18-17 NMSA 1978.

If the bill is not meant to apply to charges that arose under the same transaction or occurrence, an amendment would be needed to clarify that this only applies to circumstances that arose under separate transactions or occurrences. Otherwise, it is presumed that the proposed language would apply to both auto theft offenses arising out of separate transactions and auto theft occurrences and the same transaction or occurrence. One possible amendment might be to mirror the language in Section 31-18-17 NMSA 1978.