

LFC Requester:

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: 1/16/2025 *Check all that apply:*
Bill Number: HB 57 Original Correction
 Amendment Substitute

Sponsor: Pamelya Herndon **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Attorneys for indigent domestic abuse victims **Person Writing:** Troy Davis
Title: abuse victims **Phone:** 505-3858461 **Email:** davistr@msn.com

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:

Provides court appointed attorney to victims of domestic violence who are indigent

FISCAL IMPLICATIONS

Hard to determine. The Judiciary would have to set up a system like the public defender's office to determine indigent status of victims. The Judiciary would also have to set up a system like the public defender's office to distribute case to attorney's through out the State of New Mexico. Then there is the cost of attorneys to be paid and number of victims that would take advantage of the program. This would be a reoccurring expense to the judiciary.

SIGNIFICANT ISSUES

1. Unfund mandate no money is allocated in the bill for this program.
2. The appearance of impropriety by the Courts appointing an attorney to a victim would make it appear the Court system is taking sides.
3. A victim does not have standing in criminal cases. Only the State of New Mexico and defendant have standing in criminal cases. The attorney could not appear before the Court.
4. The district attorney's office has victim advocates whose job is to advocate for the victim to district attorney prosecuting the case and to guide the victim through the process of the criminal court system.
5. The victim's attorney would have no practical use in the proceeding.
6. Ethical issue of district attorney contacting a victim who is represented by an attorney. The district attorney would have contacted the victim's attorney before trying to contact the victim thus restricting access to the victim.
7. Would take time from Judge who have heavy case loads to address a victims indigence status.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The Judiciary would have to set up a system to administer the new program. Which would start up costs to hire new employees.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

ALTERNATIVES

1. To better fund district attorney's office victim advocate program to have the resources to help all victims.
2. A different agency manages the indigency status and contract attorneys.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

