

BILL ANALYSIS AND FISCAL IMPACT REPORT
Taxation and Revenue Department

January 24, 2025

Bill: HB-105

Sponsor: Representative Andrea Reeb

Short Title: Traffic Offense Video Testimony

Description: This adds a new section to the Implied Consent Act to allow that, if a party subpoenas an analyst or toxicologist to testify at a court proceeding for any purpose, the analyst or toxicologist may appear by interactive video. The bill also amends Section 66-8-107 NMSA 1978 to add that the defendant shall be deemed to have given consent to the analyst's or toxicologist's appearance by means of interactive video if a laboratory analyst who performed a chemical test or a toxicologist testifies as an expert on the results of the chemical testing.

Effective Date: Not specified; 90 days following adjournment (June 20, 2025)

Taxation and Revenue Department Analyst: Htet Gonzales and Sean Bulian – Motor Vehicle Division

Estimated Revenue Impact*					R or NR**	Fund(s) Affected
FY2025	FY2026	FY2027	FY2028	FY2029		

* In thousands of dollars. Parentheses () indicate a revenue loss. ** Recurring (R) or Non-Recurring (NR).

Methodology for Estimated Revenue Impact:

Policy Issues: Allowing Scientific Laboratory Division (SLD) employees to appear via interactive video should significantly decrease the amount of time those employees spend traveling around the state to appear in court in person. This should decrease the turnaround time for analysis of blood samples submitted to SLD, which should, in turn, decrease the amount of time between when the Motor Vehicle Division (MVD) receives the Implied Consent Act Citation and Notice of Revocation from the arresting law enforcement agency and when MVD is able to serve the driver the Notice of Revocation upon receipt of the results of the blood test.

Technical Issues: None.

Other Issues: To the extent it applies to criminal cases, allowing video testimony by analysts may be found to be unconstitutional as a violation of the Confrontation Clause of both the Sixth Amendment of the U.S. Constitution and of Article II, Section 14 of the New Mexico Constitution. *See, State v. Smith*, 2013-NMCA-081, 308 P.3d 135; *State v. Rogerson*, 855 N.W.2d 495 (Iowa 2014); and *Maryland v. Craig*, 497 U.S. 836, 110 S.Ct. 3157, 111 L.Ed.2d 666 (1990).

Administrative & Compliance Impact: None.

Estimated Additional Operating Budget Impact*				R or NR**	Fund(s) or Agency Affected
FY2025	FY2026	FY2027	3 Year Total Cost		

* In thousands of dollars. Parentheses () indicate a cost saving. ** Recurring (R) or Non-Recurring (NR).

Related Bills: