

LFC Requester:	Chavez, Felix
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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: 2/12/25 *Check all that apply:*
Bill Number: HB 359 Original Correction
 Amendment Substitute

Sponsor: Rep. Randall T. Pettigrew **Agency Name and Code:** AOC
Short Title: Perjury for False Legislative Testimony **Number:** 218
Person Writing: Kathleen Sabo **Phone:** 505-470-3214 **Email:** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 359 amends Section 30-25-1 NMSA 1978, within the Criminal Code, to expand the fourth degree crime of perjury to include making a false statement material to the issue or matter of which the person making the statement has been requested to testify in any proceeding before the legislature, including any hearing of a standing or interim committee of the legislature, knowing that statement to be untrue and regardless of whether the statement is made under oath, affirmation or penalty of perjury. HB 359 provides that the provisions of the amendment do not apply to a statement made by a member of the public during a designated period for public comment at a hearing of a standing or interim committee of the legislature.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions, as well as challenges to the law. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

- 1) Both legal and common definitions of perjury require the person committing perjury to be under oath and to violate an oath or vow. See The Law Dictionary (featuring Black's Law Dictionary, 2nd Ed.), <https://thelawdictionary.org/perjury/> and the Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/perjury> . The Wex Legal Dictionary provides that "perjury" is also known as "false oath, foreswearing, and falsehood". See Wex Legal Dictionary, Legal Information Institute, <https://www.law.cornell.edu/wex/perjury> .
- 2) Section 18 U.S.C. Section 1001 outlaws false statements, concealment, or false documentation in any matter within the jurisdiction of any of the three branches of the federal government . See *Perjury Under Federal Law: A Sketch of the Elements*, Congressional Research Service, 2014, https://www.everycrsreport.com/files/20140128_98-807_2f860b227d1f91a311668537acc87d9ccf4e2269.pdf . Under Section 1001, a statement is a crime if it is false, regardless of whether it is made under oath.

In contrast, an oath is the hallmark of the three perjury statutes in Title 18. The oldest, §1621, condemns presenting material false statements under oath in federal official proceedings. Section 1623 of the same title prohibits presenting material false statements under oath in federal court proceedings, although it lacks some of § 1621's traditional procedural features, such as a twowitness requirement. Subornation of perjury, barred in § 1622, consists of inducing another to commit perjury. All four sections carry a penalty of imprisonment for

not more than five years, although § 1001 is punishable by imprisonment for not more than eight years when the offense involves terrorism or one of several federal sex offenses. The same five-year maximum penalty attends the separate crime of conspiracy to commit any of the four substantive offenses.

See False Statements and Perjury: An Overview of Federal Criminal Law, Congressional Research Service, October 2024, <https://crsreports.congress.gov/product/pdf/RL/98-808#:~:text=Section%201623%20of%20the%20same,1> .

According to the U.S. Department of Justice, 18 U.S.C. Section 1621 is the traditional, broadly applicable perjury statute, and is used to prosecute perjuries committed before legislative, administrative or judicial bodies. See 1743. *Perjury – Overview of 18 U.S.C. Section 1621 and 1623 Violations*, <https://www.justice.gov/archives/jm/criminal-resource-manual-1743-perjury-overview-18-usc-1621-and-1623-violations> .

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS