

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/13/2025

Check all that apply:

Bill Number: HB 414

Original Correction
Amendment Substitute

Sponsors : Rep. Susan K. Herrera
Rep. Rebecca Dow
Rep. Mark Duncan
Rep. Cathrynn N. Brown
Rep. Joseph F. Hernandez

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing Analysis: Jane A. Bernstein

Short Title: County Sheriff Inmate
Transpo Reimbursement

Phone: 505-537-7676

Email: legisfir@nmag.gov

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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Proposed HB 414 would add a new section to Chapter 4, Article 44, “Salaries and Provisions Applicable to More than One Office,” mandating that counties reimburse sheriffs, deputies, and guards at the authorized per diem rate for expenses incurred while transporting an inmate, a criminally charged individual, or a person in law-enforcement custody.

Currently, NMSA 1978, § 4-44-18, “Sheriffs, deputy sheriffs and guards; expenses incurred in serving process and certain other official business; per diem,” provides, in pertinent part, that

[s]heriffs, their deputies and guards shall be paid per diem and mileage expenses at the rate authorized in the Per Diem and Mileage Act for *extraditing prisoners from without the state and for transporting persons committed by a court to a state institution or required to be returned by order of the court from a state institution to the county of commitment.*

NMSA 1978, § 4-44-18(C) (emphasis added). Proposed HB 414 would broaden the category of transportees as to whom designated law enforcement officials would be entitled to authorized expenses from the relevant county.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

Because Section 4-44-18(C) already speaks to the per diem and milage expenses that sheriffs, deputies, and guards receive when transporting certain individuals, adding a new section to deal with the same topic could be confusing and redundant.

By allowing reimbursement when transporting a “person charged with the commission of a crime *or* person in the custody of a law enforcement agency,” it is possible that the act could apply to non-criminal detentions, for example in the immigration context. It is unclear if this result was intended by the drafters.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None at this time.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

Given the relation between proposed HB 414 and § 4-44-18(C) as it now stands, rather than add a new section, consider amending subsection (C) by folding the relevant new proposed language into the existing subsection.