

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: 2/21/25 *Check all that apply:*
Bill Number: HB 557 Original Correction
 Amendment Substitute

Sponsor: Rep. Tara L. Lujan **Agency Name and Code** AOC
Short Title: Allow Telecommunication Marriages **Number:** 218
Person Writing Kathleen Sabo
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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 557 amends statutory sections related to marriage, as follows:

- **Section 40-1-2 NMSA 1978**, to add a definition of “witness” to mean a person at least 18 years of age that observes a ceremony in real time, whether in person or via telecommunication.
- **Section 40-1-10 NMSA 1978**, to clarify that the marriage ceremony is to be conducted by a person authorized by the laws of this state to solemnize marriages who is physically present in this state at the time of the ceremony.

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 the involvement of judicial officers in marriage ceremonies. 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) New Mexico does not recognize a marriage which is not formally consummated by contract and solemnized before an official. *Hazlewood v. Hazlewood*, 1976-NMSC-074, 89 N.N. 659, 556 P.2d 345, *Merrill v. Davis*, 1983-NMSC-070, 100 N.M. 552, 673 P.2d 1285.

There is a question as to how a witness will be able to sign a marriage certificate if they are not present.

- 2) The title to the bill is “Allow Telecommunications Marriages.” The HB 557 amendment to Section 40-1-2 NMSA 1978 allows a witness to observe a ceremony in real time, in-person or via telecommunication. The amendment does not permit the person solemnizing the marriage to solemnize via telecommunication. (Subsection A(1) appears to delineate between the person solemnizing and witness, defining “solemnize” to mean to join in marriage before witnesses.) In fact, the HB 557 amendment to 40-1-10 NMSA 1978 requires the licensed person who is solemnizing the marriage to be physically present in New Mexico at the time of the ceremony. Does this permit a person who is physically present in New Mexico to solemnize a wedding via telecommunication, as long as they are actually physically present in this state? That is unclear.

There is also no explicit granting of the ability for the parties to a marriage to appear at the ceremony via telecommunication.

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