

LFC Requester:	Felix Chavez
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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: 2/21/25

Check all that apply:

Bill Number: HB 557

Original Correction
 Amendment Substitute

Sponsor: Representative Tara L. Lujan

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

Short Title: ALLOW
TELECOMMUNICATION
MARRIAGES

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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: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

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

Synopsis:

Section 1: House Bill 557 ("HB557") proposes to amend NMSA 1978, Section 40-1-2, MARRIAGES SOLEMNIZED. The proposed amended language includes allows for a "witness" to be a person at least eighteen years of age that observes a ceremony in real time, person or via telecommunication.

Section 2: HB557 proposes to amend NMSA 1978, Section 40-1-10, LICENSE REQUIRED--COUNTY CLERK. The proposed language specifies that the ceremony be 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

N/A

SIGNIFICANT ISSUES

The term "telecommunication" is not defined in HB557 and does not reference a definition elsewhere in statute. HB557's language could cause confusion because it does not specify if the witness would be required to have both audio and visual display of the ceremony to satisfy the requirements. Furthermore, HB557's proposed language also does not provide for how a witness would sign a marriage certificate if they observed the ceremony in real time via telecommunications. This could cause confusion and legal issues in issuing marriage licenses in the state to ensure validity.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A