

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 1/23/2025 *Check all that apply:*  
**Bill Number:** SB 18 Original  Correction   
 Amendment  Substitute

**Sponsor:** Craig W. Brandt **Agency Name and Code** AOC 218  
**Short Title:** Crime of Swatting **Number:** \_\_\_\_\_  
**Title:** \_\_\_\_\_ **Person Writing** Adam Leuschel  
**Phone:** 505-699-6451 **Email** aocapl@nmcourts.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0	\$0	\$0			

(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: SB 18 amends NMSA 1978, Section 30-20-16 to create the crime of swatting. SB 18 accomplishes this by

- Defining “swatting” as “knowingly making a false or misleading report to a public safety agency of an ongoing emergency or threat of violence with the intent to cause an immediate response from a public safety agency”
- Defining “public safety agency” as “a law enforcement, firefighting or emergency medical services agency or a public safety answering point operating in accordance with the Enhanced 911 Act”
- Adding the phrase “swatting” to the title of the statute;
- Making swatting a fourth degree felony
- Allowing the court to order a person convicted under Section 30-20-16 for swatting to reimburse victims for economic harm caused

In addition, SB 18 condenses all penalties for making a bomb scare, shooting threat, or swatting into renumbered subsection D, reclassifies a shooting threat from a misdemeanor to a fourth degree felony, and removes all references to “the offense of making a bomb scare of shooting threat” in the definition of “economic harm.”

There is no appropriation listed in this bill.

There is no effective date of this bill. It is assumed that the effective date is June 20, 2025, which is 90 days following adjournment of the Legislature.

#### **FISCAL IMPLICATIONS**

SB 18 reclassifies making a shooting threat from a misdemeanor to a fourth degree felony. The fiscal impact of this reclassified offense may increase the number of defendants pursuing trials and jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury expenses.

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. 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**

Swatting and shooting threats to schools are often committed by teenagers. SB 18 makes both of these felony offenses and does not include an intent requirement, thus exposing juveniles to felony offenses.

“Swatting” is named for the practice of making hoax calls to get a response from Special

Weapons and Tactics (SWAT) teams. The FBI first identified swatting as an issue in 2008. See <https://archives.fbi.gov/archives/news/stories/2008/february/swatting020408>. Since then, swatting incidents have increased nationwide. Swatting has great potential for violence against innocent individuals, and individuals who experience swatting often face thousands of dollars in home damage. Mobilization of SWAT teams is also a significant burden on the taxpayer. As a result of increased incidents, and to combat these incidents, the FBI has created a national online database to track and facilitate sharing information regarding swatting incidents between law enforcement agencies nationwide. See <https://www.nbcnews.com/news/us-news/fbi-formed-national-database-track-prevent-swatting-rcna91722>.

It can be challenging to locate and arrest swatters. Individuals who commit swatting often do not live in the same state as their targets, and swatters often use technology to hide their true location. <https://www.cnn.com/2019/03/30/us/swatting-what-is-explained/index.html>. Recently, a teenager in California pled guilty to making hundreds of hoax threats across the United States. See <https://www.nbcnews.com/news/us-news/teen-serial-swatter-hundreds-hoax-threats-us-pleads-guilty-rcna180066>.

Adding a new crime of “swatting” and reclassifying making a shooting threat from a misdemeanor to a fourth degree felony could increase the number of defendants charged under NMSA 1978, Section 30-20-16. More defendants would require additional judge time, court staff time, and courtroom availability, and would increase the time required to dispose of cases.

## **PERFORMANCE IMPLICATIONS**

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

The new definition of “public safety agency” references the Enhanced 911 Act. The Enhanced 911 Act is housed in Chapter 63 of the New Mexico Statutes Annotated and is not referenced in Chapter 30. Additionally, “public safety answering point” is not defined in SB 18, but is defined in Section 63-9D-3. This has the potential to create confusion.

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**