

LFC Requester:	
-----------------------	--

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}

Check all that apply:

Original **Amendment**

Date 2025-01-29

Correction **Substitute**
n

Prepared:
Bill No: SB35

Sponsor(s) Antonio Maestas
:

Agency Name CYFD 69000
and Code
Number:

Person Cynthia.Aragon@cyfd.nm.gov
Writing v

Short SHOOTING AT A MOTOR
Title: VEHICLE

Analysis:
Phone: 505-250-9475

Email: Cynthia.Aragon@cyfd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue	Recurring	Fund

FY24	FY25	FY26	or Nonrecurring	Affected

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

SB 35 amends Section 30-3-8 Shooting at a dwelling or occupied building, shooting from a motor vehicle and adds shooting at a motor vehicle. The bill separates Section 30-3-8 (B) shooting from a motor vehicle from Section 30-3-8 (C) shooting at a motor vehicle. The current law combines shooting at or from a motor vehicle. The bill does not change the definition of shooting at or from a motor vehicle as currently defined. The bill changes the criminal penalties of shooting from a motor vehicle resulting in no injury to another person from a fourth-degree felony to a 3rd degree felony and if shooting from a motor vehicle results in injury to another person from a third-degree felony to a second-degree felony. The bill adds that shooting at a motor vehicle is a second-degree felony. The bill omits the language "resulting in great bodily harm" making shooting at a motor vehicle or shooting from a motor vehicle in itself a violent felony. The bill also omits "great bodily harm" and adds language making kidnapping resulting in physical injury or sexual assault a violent felony.

FISCAL IMPLICATIONS

There would be no fiscal impact to CYFD due to no significant changes in existing law.

SIGNIFICANT ISSUES

SB 35 does not change the existing definition of what constitutes shooting at or from a motor vehicle. The bill separates shooting at or from a motor vehicle provision in the current law and creates two separate crimes, one pertaining to shooting at a motor vehicle and one pertaining to shooting from a motor vehicle.

This bill does not create significant issues that directly impact the department's legal authority and operations.

PERFORMANCE IMPLICATIONS

Across the state, juveniles arrested for committing an alleged crime of shooting at or from a motor vehicle, a violent felony, and subject to youthful offender sanctions are put on an automatic detention hold. This bill will not impact the number of referrals received or the way they are currently being handled and forwarded to a Children's Court Attorney for adjudication by the department. In FY 2024, CYFD's Juvenile Justice System received 46 charges involving shooting at or from a motor vehicle.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None at this time.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None.