

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/analysis) 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: 23 JAN 2025

Check all that apply:

Bill Number: SB 70

Original  Correction Amendment  Substitute 

Sponsor: Craig W. Brandt

Short Title: Add Racketeering Crimes

Agency Name

and Code

790 – Department of Public Safety

Number:

Person Writing

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Email: [Emmanuel.gutierrez@dps.nm.gov](mailto:Emmanuel.gutierrez@dps.nm.gov)**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring<br>or Nonrecurring | Fund<br>Affected |
|---------------|------|------------------------------|------------------|
| FY25          | FY26 |                              |                  |
| NFI           | NFI  | N/A                          | N/A              |
|               |      |                              |                  |

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring<br>or<br>Nonrecurring | Fund<br>Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY25              | FY26 | FY27 |                                 |                  |
| NFI               | NFI  | NFI  | N/A                             | N/A              |
|                   |      |      |                                 |                  |

(Parenthesis ( ) indicate revenue decreases)

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

|              | FY25 | FY26 | FY27 | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| <b>Total</b> | NFI  | NFI  | NFI  | NFI                  | N/A                          | N/A              |

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2024 Regular: SB102; 2024 Special: SB5

Duplicates/Relates to Appropriation in the General Appropriation Act:

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

The bill proposes to amend the Racketeering Act by updating the language of the statute, incorporating “criminal gang” as an enumerated type of enterprise, and making it a first degree felony for leaders within an enterprise to finance, supervise or conspire to commit racketeering activity and a third degree felony to solicit or coerce another, including a minor, into joining or participating in racketeering activity of an enterprise.

If passed, the bill would add to the definition of racketeering the types of crimes notably engaged in by criminal enterprises, including sexual exploitation of children, criminal sexual penetration and contact, dog and cockfighting, escape from jail and penitentiary and assisting escape, bringing contraband into jail or prison, tampering with public records, impersonating a peace officer, and the trafficking of humans.

#### **FISCAL IMPLICATIONS**

None to DPS.

#### **SIGNIFICANT ISSUES**

None to DPS.

#### **PERFORMANCE IMPLICATIONS**

Adding eleven (11) additional crimes to New Mexico's racketeering statute would significantly enhance the state's ability to combat organized criminal activity. Racketeering laws are designed to target and dismantle criminal organizations by allowing law enforcement to prosecute a range of criminal actions that are part of a larger criminal enterprise. By expanding the list of crimes covered under New Mexico's racketeering statute, the state could strengthen its efforts to prevent and penalize a wider variety of criminal activities, particularly those tied to organized crime. The state would be better equipped to combat organized crime on multiple fronts. The expansion would enable law enforcement to tackle a wider range of criminal activities, from traditional drug trafficking to emerging crimes like human trafficking and financial fraud. In turn, this would enhance public safety, improve coordination between law enforcement agencies, and ensure more effective prosecution of organized crime figures.

In addition to the specific crimes added, the addition of a section listing criminal gangs as part of an “enterprise” could assist in making the racketeering statute easier to use in cases. In particular, it could now be used to prosecute street gangs who drive a large portion of the drug trafficking and violent crime in our communities. Also, the higher level of penalty this bill provides for the leader of a criminal enterprise is an important addition to the statute. Those who are orchestrating organized crime operations in New Mexico should face more severe consequences.

DPS supports this bill, as it will remedy the long-standing problem law enforcement has experienced with identifying and addressing upstream criminal actors that are part of larger criminal enterprises and organizations. This bill will provide significant additional legal tools to combat the most serious and dangerous criminal elements in New Mexico instead of focusing on the lower-level crimes that are largely driven by criminal organizations that often evade justice.

This is an area of enforcement where state law enforcement agencies have often been forced to rely too heavily on federal partners, who do not always have the resources to pursue these types of cases here. This bill would make us better equipped at the state level to address these problems.

**ADMINISTRATIVE IMPLICATIONS**

None to DPS.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None to DPS.

**TECHNICAL ISSUES**

None to DPS.

**OTHER SUBSTANTIVE ISSUES**

None to DPS.

**ALTERNATIVES**

None proposed by DPS.

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

Status quo will remain.

**AMENDMENTS**

None proposed by DPS.