

LFC Requester:

Sanchez

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/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}*

<b>Date Prepared:</b>	02/03/2025	<i>Check all that apply:</i>			
<b>Bill Number:</b>	SB225	Original	<input checked="" type="checkbox"/>	Correction	<input type="checkbox"/>
		Amendment	<input type="checkbox"/>	Substitute	<input type="checkbox"/>

<b>Sponsor:</b>	Senator Munoz	<b>Agency Name and Code Number:</b>	New Mexico Environment Department 667		
<b>Short Title:</b>	Increase Various Penalties	<b>Person Writing Analysis:</b>	Rick Shean		
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**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
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	0		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Increases fines and penalties for littering, for committing graffiti, for the improper use of a travel lane, and for violations of the Recycling and Illegal Dumping Act.

#### **FISCAL IMPLICATIONS**

None.

#### **SIGNIFICANT ISSUES**

Litter, illegal dumping, and graffiti are problems in New Mexico. This bill addresses these issues by increasing fines or penalties for violating laws pertaining to each.

**Littering:** The bill increases the fine for littering from \$50 to \$250. New Mexico is experiencing a proliferation of waste from littering and, as several local governments have enacted, a stronger penalty is a powerful deterrent and promotes responsible behavior. Increased littering contributes to pollution of our land and water, endangers wildlife, and harms ecosystems. The increased penalty highlights the importance of personal accountability and the impact an individual can have on preserving New Mexico's natural resources.

**Grffiti:** While some see graffiti as a form of self-expression or art, when done illegally, it disregards the rights of property owners and communities. According to the EPA, the cost of monitoring, detecting, removing and repairing graffiti damage has been estimated as high as \$15-\$18 billion per year in the United States. This affects both public and private property, where costly clean-up efforts are needed to remediate the vandalism. If left in place, graffiti contributes to a sense of urban decay, undermines community pride, and can make certain areas feel unsafe or neglected and detracts from the overall aesthetics of public places. It can also contribute to a cycle of vandalism as perpetrators see no consequences for their actions. This bill increases the community service requirements for both petty misdemeanor and fourth degree felony violations. Current statute includes a restitution requirement but no fine. The bill does not contemplate a fine.

**Improper Use of Travel Lane:** This bill increases the fine for improper use of a travel lane from \$250 to \$500. The relevant section, 66-7-376 NMSA 1978 specifies how and when semi-trucks may use the left or center lanes on multi-lane roads as well as proper use of a two-lane left turn lane.

**Illegal Dumping:** NMED will be affected by the modification of the Recycling and Illegal Dumping (RAID) Act (74-13-4 NMSA 1978). SB 225 adds a fourth-degree felony for illegal dumping to the list in 74-13-16, the Criminal Penalty section, as prohibited by section 74-13-4 Prohibited Acts: *(J) A person shall not engage in, maintain or allow illegal dumping.* The definition of illegal dumping in 74-13-3 states: (L) "Illegal dumping" means disposal of trash, scrap tires, or any solid waste in a manner that violates the Solid Waste Act or the Recycling and Illegal Dumping Act. Specifying a separate penalty for broad violations of the RAID Act will serve

as an additional deterrent for potential offenders.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

Illegal dumping lacks a quantitative definition for enforcement, as opposed to littering. Tire penalties are defined quantitatively in 74-13-16 (1) and (2). NMED suggests an alternative for the bill amendment for 74-13-16 (3):

(3) is guilty of a misdemeanor for illegal dumping any other mix of municipal solid waste (MSW) materials where (1) or (2) does not apply, weighing more than one hundred pounds but less than three hundred pounds or more than 35 cubic feet but less than 100 cubic feet.

(4) is guilty of a fourth-degree felony for illegal dumping of any other mix of MSW materials where (1) or (2) does not apply, weighing more than three hundred pounds or is one hundred cubic feet or more in volume; or if the dumping is done for a commercial purpose.

With this quantitative definition for illegal dumping, litter enforcement can be assumed to be less than one hundred pounds.

## **ALTERNATIVES**

None.

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

Litter, graffiti and illegal dumping have negative impacts to the environment and economy. New Mexico struggles to address these issues, and this bill helps to make these crimes more serious, which may be a deterrent to individuals that commit these crimes. Additionally, the new penalties and felony charges may make it more cost effective for law enforcement to pursue these offenders. Without the increased consequences and deterrents proposed in SB 225, these crimes will continue at the already alarming rate and frequency in which they currently exist.

## **AMENDMENTS**

None.