

LFC Requester: \_\_\_\_\_

**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:** February 11, 2025 *Check all that apply:*  
**Bill Number:** SB 309 Original  Correction   
 Amendment  Substitute

**Sponsor:** Antonio Maestas **Agency Name and Code Number:** Administrative Office of the District Attorneys 264  
**Short Title:** Pretrial release notification and Data **Person Writing:** Troy Davis  
**Phone:** 5053858461 **Email:** Davistr@msn.com

**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
<b>Total</b>						

(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:**

Senate Bill 309 allows law enforcement to access GPS data on defendants on pretrial release without a warrant during ongoing criminal investigations. Immediate access is permitted for serious violent felonies including: first degree murder, human trafficking of a child, child abuse, sexual exploitation of a child, other serious violent felonies involving firearms or great bodily harm. The Bill further requires pretrial release officer to give immediate notification to the court, the prosecuting authority, the defendant's counsel, and the victim if the defendant violates conditions of release.

#### **FISCAL IMPLICATIONS**

#### **SIGNIFICANT ISSUES**

Having Pretrial Services notify the victim would bring it to their attention almost immediately versus the delay that happens for Pretrial Services to notify the prosecutor who would then let the victim know, is a practical amendment. It may be worth clarifying that "victim" is defined in the Victim of Crime Act so it would apply only to the enumerated offenses. Would like the bill to have language that law enforcement can obtain the GPS data if it believes the defendant is involved in a pattern of property crimes.

#### **TECHNICAL ISSUES**

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