

LFC Requester:	Scott Sanchez
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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}

Date Prepared: 10February 2025 *Check all that apply:*
Bill Number: SB309 Original Correction
 Amendment Substitute

Sponsor: Antonio Maestas **Agency Name and Code** 790 – Department of Public Safety
Short Title: Pretrial Release Notifications and Data **Number:** _____
Person Writing Carolyn Huynh
Phone: 5056812861 **Email:** Carolynn.huynh@dps.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund 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 Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	N/A	N/A	N/A

(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

This bill Adds notification requirements for violation of pretrial conditions of release. Provides access to global positioning system data on defendants on pretrial release to law enforcement. Makes pretrial conditions of release public.

FISCAL IMPLICATIONS

No fiscal impact for DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

This bill would improve public safety, ensure accountability, and enhance the effectiveness of law enforcement's role in criminal investigations. By making pretrial release violation records public (with some exceptions to protect privacy), the bill enhances transparency and accountability. If the public and law enforcement have access to information about individuals who are not complying with pretrial conditions, it could help prevent future crimes or dangerous behavior, particularly for high-risk defendants.

The bill allows law enforcement officers to access GPS data of defendants on pretrial release without needing a warrant, provided it relates to an ongoing criminal investigation. This could significantly improve public safety by enabling quicker responses to potential violations or incidents. In cases of serious violent felonies (e.g., murder, child abuse, human trafficking), immediate access to GPS data could provide vital evidence and prevent further harm to victims or the community.

By ensuring that any violations of pretrial release conditions are handled swiftly and transparently, the bill helps uphold the integrity of the criminal justice system. When defendants violate pretrial conditions and those violations are promptly addressed, it reinforces the message that there are consequences for not complying with the legal requirements. This maintains the credibility and trust of the public in the justice system's ability to oversee pretrial defendants. It also helps meet the goal of swift and certain justice, which has shown to be a deterrent for additional criminal behavior.

Many jurisdictions across the country are increasingly using GPS monitoring as a tool for ensuring compliance with pretrial release conditions. The bill aligns New Mexico with national trends that use technology to enhance monitoring and accountability. By updating state laws to reflect these practices, New Mexico is making a proactive step toward improving the effectiveness of its criminal justice system.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.