

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/13/2025

Check all that apply:

Bill Number: SB 373

Original Correction
Amendment Substitute

Sponsor: Senator Antoinette Sedillo Lopez

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Domestic Violence by Military Member

Person Writing Analysis: Michael J. Thomas
Phone: 505-537-7676
Email: legisfir@nmdoj.gov

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
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: The bill would revise the Abuse and Neglect Act, NMSA 1978, §§ 32A-4-1 to -35 (1993, as amended) and the Family Violence Protection Act, NMSA 1978, §§ 40-13-1 to -13 (1987, as amended). The primary revision would be to require notice to the United States military if a person involved in an allegation of child abuse and neglect, or domestic abuse, is a member of the United States military.

Section 1 would amend Section 32A-4-3, which requires persons to report child abuse and neglect under certain conditions, by adding a new subsection (I). The new subsection would provide that if a local New Mexico law enforcement agency, or the Children, Youth and Families Department, determines that a member of the United States military is involved in an allegation of child abuse and neglect, the law enforcement agency or CYFD, as applicable, must notify a designated authority for the military installation to which the person is assigned. The new subsection would also require local NM law enforcement agencies and CYFD to seek memoranda of understanding (MOUs) with a designated authority for each military installation in New Mexico to facilitate the requirements of that section. Remaining subsections are re-lettered as appropriate.

Section 2 would amend Section 40-13-3, governing petitions for orders of protection, to add a new subsection (H) which would provide that the court "shall" authorize the remote appearance by digital or telephonic means for all parties "if requested."

Section 3 would amend Section 40-13-6(A), governing service of an order of protection, to add language requiring that, when a party is a member of the United States military, the court clerk also send the protection order to the designated authority for the military installation to which the party is assigned.

Section 4 would amend Section 40-13-7 by adding a new subsection (F). That new subsection would provide that if a law enforcement officer responding to a request for assistance determines that a member of the United States military is involved in the underlying allegation (i.e., allegation of domestic abuse), the officer shall notify a designated authority for the military installation to which the person is assigned. It would further provide that local law enforcement agencies shall seek memoranda of understanding with a designated authority for each military installation in the state to facilitate that requirement.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A.