

LFC Requester:	Scott Sanchez
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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: 02/14/2025 *Check all that apply:*
Bill Number: SB 381 Original Correction
 Amendment Substitute

Sponsor: Candy Spence Ezzell **Agency Name and Code Number:** New Mexico Livestock Board 50800
Short Title: CRIMINAL CODE DEFINITION OF "LIVESTOCK" **Person Writing:** Belinda Garland
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
	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
Total		0	0			

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 381 intentions are to amend the criminal code by defining "Livestock", as well as, amending the crime of larceny to allow for multiple offenses when it involves livestock and firearms. It also provides that each animal or firearms stolen by a person constitutes a separate offense of livestock larceny.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

The New Mexico Court of Appeals and Supreme Court of New Mexico, in a decision in 2022, stated that it was unclear whether the legislators of the State of New Mexico intended to protect the livestock industry by providing that each head of livestock stolen would be a separate offense. That decision affected two cases in prosecution channels involving the theft of over 20 head of cattle in each case. By rendering that decision, charges were dropped from several felony counts to one felony count for each case.

See A-1-CA-38561, State v. Chadwick, Court of Appeals of New Mexico, and A-1-CA 38099 State v. Torres, 2020; 2022-NMSC-024 State v. Torres/Chadwick

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

The bill, as written, is somewhat confusing regarding filing charges on multiple thefts versus filing a per head charge. Some clarity may be needed.

OTHER SUBSTANTIVE ISSUES

New Mexico's livestock industry is an integrity base industry. Legislators, put an emphasis on the need to brand and identify each animal citing the need to curtail the theft of livestock, being a particularly easy crime to commit, and a difficult crime to detect. Statute requires that each animal sold has a bill of sale, and each animal bears the brand of the owner. Furthermore, failure to do so can result in criminal charges for each animal not branded or not listed on a bill of sale. The loss of one head of livestock could be overwhelming to a producer due to the years of work

put into creating an animal with DNA that is best suited for their specific environment in this state.

Statutory analysis also indicates that, historically, the larceny of each head of cattle offers a distinct unit of prosecution. New Mexico has always treated the theft of livestock differently than larceny of other things, in that the punishment for the larceny of livestock has never depended on the value of the animal stolen. Legislators criminalized theft of livestock more seriously than theft of a firearm, as the larceny of livestock is immediately a third-degree felony, regardless of its value.

All of these factors and many others, indicate that the theft of one head of livestock deserves the protection of legislative working and wording provided for in this bill.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The theft of livestock would be a more enticing venture for those that are bent towards the criminal lifestyle. If stealing one goat carries the same penalty as stealing 20 head of cattle, the risk would be worth planning and carrying out. In an industry where the profit margins are already challenging, this bill offers a much-needed deterrent.

AMENDMENTS

Amendment suggested to broaden the definition of livestock, highlighted.

K. "livestock" means any species of domestic or domesticated animal or animals that are the type or kind commonly used or raised on a farm or ranch and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farm cervidae, but does not include canine or feline animals. "Livestock" may be singular or plural.