

**LFC Requester:**

**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** Feb. 25, 2025  
**Bill No:** SB 510-280

**Sponsor:** Sens. Sharer, Woods, Brantley,  
Thornton, & Paul  
**Short Title:** Public Safety Changes  
(omnibus)

**Agency Name and Code** LOPD-280  
**Number:** \_\_\_\_\_  
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**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 Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: **HB 4** (passed in the HB 8 crime package, already requires evaluations for involuntary treatment & expanding criminal commitment and involuntary treatment); **SB 74 & HB 86** (identical bills amending human trafficking & exploitation crimes); **HB 107 & SB 95** (creating crimes for drug trafficking resulting in death); **SB 166** (defining “harm” for competency and involuntary commitment purposes); **HB 165, HB 381, HJR 9, HJR 14, & SB 196** (expanding pretrial detention); **HB 134 & SB 326** (making same changes to juvenile procedures)

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: This “omnibus” public safety bill would incorporate at least 10 bills (listed above) currently pending this session and a new bill creating the crime of operating a “stash house.”

**Sections 1, 2, 6, 7, 19, and 37 of SB 510** duplicate **SB 74 & HB 86**, identical bills amending human trafficking statutes & exploitation crimes in various ways, including adding that crime to the “racketeering” predicate crimes list, along with a new crime of “operating a stash house.” *See* Section 8.

**Sections 3, 4, 5 and 18** duplicate **HB 107**, which would expand drug trafficking, increasing existing penalties, create a new crime for drug trafficking resulting in death” and setting special penalties), and increase the penalty for distribution to a minor.

**Section 8** creates a new crime titled “operating a stash house,” for human trafficking or other criminal purposes, and setting the penalty as a third degree felony (up to three years in prison).

**Section 9** would dictate factors to consider during pretrial release/detention determinations, addressing a procedure also addressed by HB 165, HB 381, HJR 9, HJR 14, & SB 196 (expanding pretrial detention), but taking a different approach from those proposals. It would codify standard courtroom practices to consider all of the evidence and the defendant’s history.

**Sections 10-17, 38** incorporate provisions of **HB 4**, a bill which already passed both chambers as part of the HB 8 crime package. These sections require competency evaluations to include an additional assessment of a person’s eligibility for involuntary treatment; expand crimes eligible for criminal commitment; and facilitate the process for seeking involuntary treatment

**Sections 20-36** duplicate **HB 134 & SB 326**, expanding adult sanctions for juveniles and making dramatic changes to the procedures used to adjudicate, detain, supervise, and treat children in the legal delinquency system.

This analysis incorporates by reference the LOPD analysis for **HB 4, SB 74 & HB 86, HB 107, and HB 134 & SB 326**. It newly addresses proposals in Sections 8 and 9.

## **FISCAL IMPLICATIONS**

Combined fiscal implications for **HB 4, SB 74 & HB 86, HB 107, and HB 134 & SB 326** would be *significant*.

Section 9 codifies basic current practices and would not impact LOPD practices or workload. The creation of a new crime for “operating a stash house” in Section 8 of the bill could lead to an increase in caseloads, but because the prohibited conduct *should* already be criminal under existing laws, *see Significant Issues*, little direct impact from that proposal is envisioned. While the LOPD would likely be able to absorb some cases under the proposed law, any increase in the number of prosecutions brought about by the cumulative effect of this and the expansions of drug trafficking and human trafficking, as well as other proposed criminal legislation would bring a concomitant need for an increase in indigent defense funding to maintain compliance with constitutional mandates.

## **SIGNIFICANT ISSUES**

This analysis incorporates by reference the LOPD analysis for **HB 4, SB 74 & HB 86, HB 107, and HB 134 & SB 326**. It newly addresses proposals in Sections 8 and 9.

Section 8 creates a new crime for “operating a stash house,” defined as “knowingly using or allowing a property or place that is under the person's control to be used: (1) to unlawfully hide or store a controlled substance, firearm, destructive device or money in the furtherance of a crime; or (2) for the purpose of human trafficking ....”

However this crime is redundant of various other existing crimes, as well as newly-proposed provisions within SB 510. First, Section 7 of SB 510 would expand the definition of human trafficking to include “harboring” “by any means another person with the intent or knowledge that” they are a victim of human trafficking. This covers the same conduct as paragraph 2 of Section 8. Additionally, any person who is knowingly facilitating the commission of another crime is an accomplice to that crime (and therefore treated *exactly the same* as the principal actor under New Mexico law), and proof of any agreement to commit a future crime constitutes conspiracy. A person can be convicted of both conspiracy and accomplice if both are proven.

Finally, knowingly storing items constitutes “possession” for criminal liability purposes. Therefore, storing illegal firearms is already a crime; storing firearms if that person is prohibited from possessing them is already a crime; and storing a controlled substance knowing it is for distribution purposes constitutes drug trafficking by “possession with intent to distribute.” The “stash house” crime is simply unnecessary as a novelty offense, because New Mexico law already punishes the target conduct many different ways.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**