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FISCAL IMPACT REPORT

SPONSOR <u>Reeb, Chavez, N/Terrazas/Ramos</u>	LAST UPDATED _____
	ORIGINAL DATE <u>1/31/2025</u>
SHORT TITLE <u>Crimes Against Peace Officer Definitions</u>	BILL NUMBER <u>House Bill 104</u>
	ANALYST <u>Valdez</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Total	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Relates to House Bill 86 and House Bill 103

Sources of Information

LFC Files

Agency Analysis Received From

Administrative Office of the Courts (AOC)
 New Mexico Sentencing Commission (NMSC)
 New Mexico Corrections Department (NMCD)
 Crime Victims Reparation Commission (CVRC)
 Department of Public Safety (DPS)

Agency Analysis was Solicited but Not Received From

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of House Bill 104

House Bill 104 (HB104) amends Section 31-26-3 NMSA 1978, the definition section of the Victims of Crime Act (VOCA), in several ways. The bill amends and adds to the definition of “criminal offense” in current law to lend clarity and include certain crimes against peace officers in the definition. In the definition of “criminal offense,” HB104 amends the reference in Section 1, negligent arson, to the section that specifically refers to death or bodily injury. Next, in Sections 8 and 9 on voluntary and involuntary manslaughter respectively, HB104 adds reference to the specific subsection of Section 30-2-3 NMSA 1978 for each, making the references more precise. Section 16 of the definition of “criminal offense,” clarifies that abandonment in this context refers to abandonment of a child, similar to “abuse of a child” which is in the second part of Section 16.

HB104 adds Sections 22 through 25 to the definition of “criminal offense.” These new sections would include assault and battery of a peace officer with the definition of criminal offense consistent with the definitions of those crimes in Sections 31-22-22 through 31-22-25 NMSA 1978.

- Section 22 adds aggravated assault to the definition of criminal offense,
- Section 23 adds assault with intent to commit a violent felony upon a peace officer to the definition of criminal offense,
- Section 24 adds battery upon a peace officer to the definition of criminal offense,
- Section 25 adds aggravated battery upon a peace officer to the definition of criminal offense.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

While refining definitions in the law will not carry major fiscal implications, the changes will potentially add minor costs. Principally, including assault and battery on peace officers in the definition of criminal offense as used in VOCA will include such officers in required inquiries and notifications by the court under VOCA. These actions will cost additional time and resources any time the victim is a peace officer. The Department of Public Safety enumerates the protections under VOCA that would be extended to peace officer victims under HB104. These rights and protections include:

- Fair and respectful treatment for the victim's dignity and privacy throughout the criminal justice process;
- Timely disposition of the case;
- Reasonable protections from the accused throughout the criminal justice process.
- Notification of court proceedings;
- Permission to attend all public court proceedings the accused has the right to attend;
- Right to confer with the prosecution;
- Ability to make a statement to the court at sentencing and at any post-sentencing hearings for the accused;
- Restitution from the person convicted of the criminal offense that caused the victim's loss or injury;
- Information about the conviction, sentencing, imprisonment, escape or release of the accused;
- Notification from the prosecuting attorney to the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause;
- Prompt reception of any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property; and
- Information from the court at a sentencing proceeding that the offender is eligible to earn meritorious deductions from the offender's sentence and the number of meritorious deductions that may be earned by the offender.

These rights might not apply to peace officer victims in every case, but when they do, there

could be some additional costs to the state associated with facilitating and upholding these rights.

Finally, there may be other minor costs associated with administrative tasks, such as updating and distributing the statutory changes.

SIGNIFICANT ISSUES

The Administrative Office of Courts (AOC) points out a potential legal question about whether VOCA's purpose is intended to protect the rights of a peace officer. Similarly, given that victimized peace officers may already be entitled to workers' compensation and restitution, the effort of HB104 may be duplicative. AOC suggests the bill could be tailored to avoid duplication of rights and protections for peace officers.

PERFORMANCE IMPLICATIONS

AOC notes the courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB104 conflicts with House Bill 86, also amending Section 31-26-3 NMSA, within the Victims of Crime Act.

HB104 has a relationship to House Bill 103 (HB103). HB103 proposes several changes to Section 30-22-25 NMSA 1978, aggravated battery on peace officer, including inserting "a" into the title before "peace officer, so the full title reads "aggravated battery upon a peace officer." If HB103 is enacted, it would change the title of that offense in line 25 of page 3 of this bill. (See the related technical issue noted below.)

TECHNICAL ISSUES

Page 3, lines 18 through 25: The titles of all four sections being added to the list of criminal offenses included in the act read ". . . upon a peace officer" in this bill, but the titles of each of those sections in the Criminal Code omit the "a" before "peace officer." (Example: line 18 reads "(22) aggravated assault upon a peace officer, as provided in Section 30-22-22 NMSA 1978", but the title of Section 30-22-22 is "Aggravated assault upon peace officer".)