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FISCAL IMPACT REPORT

LAST UPDATED _____
ORIGINAL DATE 2/27/25

SPONSOR Sedillo-Lopez/Brantley

BILL

SHORT TITLE Domestic Violence Programs & Probation NUMBER Senate Bill 331

ANALYST Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
LOPD	No fiscal impact	Indeterminate but possibly substantial	Indeterminate but possibly substantial	Indeterminate but possibly substantial	Recurring	General Fund
NMCD	No fiscal impact	At least \$28.2	At least \$28.2	At least \$56.4	Recurring	General Fund
CYFD	No fiscal impact	Indeterminate but possibly substantial	Indeterminate but possibly substantial	Indeterminate but possibly substantial	Recurring	General Fund
AOC	No fiscal impact	Indeterminate but possibly substantial	Indeterminate but possibly substantial	Indeterminate but possibly substantial	Recurring	General Fund
Total	No fiscal impact	At least \$28.2	At least \$28.2	At least \$56.4	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Administrative Office of the Courts (AOC)
 Law Offices of the Public Defender (LOPD)
 Office of the Attorney General (NMAG)
 New Mexico Sentencing Commission (NMSC)
 Department of Health (DOH)
 Children, Youth and Families Department (CYFD)
 Crime Victims Reparation Commission (CVRC)
 Department of Public Safety (DPS)

Agency Analysis was Solicited but Not Received From

Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Senate Bill 331

Senate Bill 331 (SB331) proposes amendments to Sections 30-3-12 through 30-3-14, 30-3-17, and 30-3-18 NMSA 1978, as well as Subsections E and F of Section 40-13-6 NMSA 1978,

concerning domestic violence offenses. The bill requires individuals convicted under these statutes to complete a domestic violence offender treatment or intervention program approved by the Children, Youth and Families Department (CYFD) as a condition of sentencing.

The bill modifies Section 30-3-12 NMSA 1978, which addresses assault against a household member, to mandate participation in a CYFD-approved treatment program. It also extends probation conditions, allowing courts to impose up to one year of probation instead of the existing 182-day limit. If a probation violation occurs, the offender may be subject to the original sentence without credit for time served on probation.

SB331 makes similar amendments to Section 30-3-13 NMSA 1978, concerning aggravated assault against a household member, and Section 30-3-14 NMSA 1978, which governs assault against a household member with intent to commit a violent felony. Both provisions incorporate the same treatment and probation conditions outlined in Section 30-3-12.

The bill amends Section 30-3-17 NMSA 1978 to enhance penalties for multiple convictions of battery or aggravated battery against a household member. Under the proposed changes, a third conviction results in a fourth-degree felony, while a fourth or subsequent conviction results in a third-degree felony. The section also incorporates the same treatment program requirement and probation enforcement provisions as the other sections.

Section 30-3-18 NMSA 1978, which pertains to criminal damage to property or deprivation of property belonging to a household member, is amended to require offender participation in a CYFD-approved treatment program. The bill also extends probation for misdemeanor convictions under this section to two years, with similar probation violation consequences.

Additionally, SB331 revises Section 40-13-6 NMSA 1978, part of the Family Violence Protection Act, to mandate that individuals convicted of violating an order of protection participate in a domestic violence treatment program. The bill further requires law enforcement agencies to enter violations of protective orders into the National Crime Information Center (NCIC) database within 72 hours.

SB331 makes several statutory changes related to domestic violence offenses, incorporating mandatory treatment program participation, expanded probation conditions, and enhanced penalties for repeat offenses.

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

SB331 does not include a direct appropriation; however, its provisions may result in increased costs for multiple state agencies. The judiciary may experience higher expenditures associated with a potential increase in jury trials, as defendants facing enhanced penalties may be more likely to contest charges. This could require additional judicial resources, including judge time, courtroom staff, and jury-related costs. The overall fiscal impact on the courts is indeterminate but could place additional demands on court administration.

The Law Offices of the Public Defender (LOPD) anticipates an increase in caseloads related to

probation revocation proceedings. The bill removes credit for time served on probation if a violation occurs, which may extend the overall length of probationary periods and result in additional revocation hearings. These changes could require additional public defender resources, though the precise fiscal impact is not quantifiable at this time.

The overall financial impact on the New Mexico Corrections Department (NMCD) will depend on the number of new cases resulting from this legislation. Still, even a modest increase in convictions could lead to significant expenditures over time. The creation of any new crime, increase of felony degree, or increase of sentencing penalties will likely increase the population of New Mexico's prisons, consequently increasing long-term costs to the general fund. In addition to the potential for new crimes to send more individuals to prison and jail, longer sentences could result in fewer releases relative to admissions, driving up overall populations. NMCD reports the average cost to incarcerate a single inmate in FY24 was \$59.3 thousand; however, due to the high fixed costs of the state's prison facilities and administrative overhead, LFC estimates a marginal cost (the cost per additional inmate) of \$28.2 thousand per year across all facilities.

CYFD may require additional resources to support domestic violence offender treatment programs. Current program capacity may not be sufficient to accommodate a larger number of mandated participants. CYFD has identified the need for additional personnel to provide oversight and compliance tracking for these programs, which may require further appropriations. Additionally, if demand for offender treatment services exceeds available capacity, funding considerations for program expansion may arise.

While the precise fiscal impact of SB331 remains indeterminate, multiple agencies, including the judiciary, LOPD, NMCD and CYFD, could incur increased costs. These costs would depend on enforcement patterns, program capacity, and probation compliance rates.

SIGNIFICANT ISSUES

SB331 expands existing requirements for domestic violence offender treatment, applying them to additional offenses, including various forms of assault, repeat battery convictions, criminal damage to a household member's property, and violations of protective orders. These changes could increase the number of individuals required to complete treatment programs, potentially affecting program availability and accessibility.

The bill also modifies probation conditions by removing credit for time served when a violation occurs. SB331 does not distinguish between technical violations (such as failure to report) and new criminal offenses, meaning any violation could result in the full reimposition of the original sentence.

Additionally, the bill mandates law enforcement agencies enter violations of protective orders into the NCIC database within 72 hours. This may require additional coordination between law enforcement and courts to standardize reporting procedures.

While SB331 aligns certain sentencing requirements with existing provisions in state law, its expansion of treatment mandates and probation enforcement mechanisms raises considerations regarding program capacity, judicial workload, and interagency coordination.

PERFORMANCE IMPLICATIONS

SB331 may have implications for state agencies engaged in performance-based budgeting, particularly the judiciary, CYFD, and NMCD. The judiciary tracks case disposition rates and the percentage change in case filings by case type. If the bill results in an increase in jury trials or probation revocation proceedings, courts may experience longer case resolution times, potentially affecting overall performance metrics related to case backlog and judicial efficiency.

CYFD oversees domestic violence offender treatment programs and monitors compliance with program requirements. The bill expands the number of individuals required to participate in these programs, which may impact CYFD's ability to track program completion rates and ensure adequate access to services. If program availability does not meet demand, non-completion rates could increase, potentially affecting reported outcomes for offender rehabilitation efforts.

For NMCD, SB331's provisions regarding probation violations and sentencing adjustments may impact performance measures related to recidivism and supervision compliance. If probation revocation rates increase, the department may see shifts in key performance indicators, including the percentage of individuals successfully completing probation and the number of offenders reincarcerated due to violations.

TECHNICAL ISSUES

SB331 includes provisions that may create ambiguity in sentencing enforcement. One identified issue is the inclusion of probation and sentencing provisions in Section 30-3-17 NMSA 1978, a statute primarily focused on penalty enhancements for repeat domestic violence offenses. Because individual offenses already contain sentencing provisions, duplicating language in Section 30-3-17 could create inconsistencies. The bill also mandates probation terms and conditions across different offenses without differentiating between varying levels of severity, which could impact judicial discretion in sentencing.

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