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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SB18</u>	Sponsor	<u>Brandt/Lanier/Cullen</u>
Tracking Number	<u>.229269.1</u>	Committee Referrals	<u>SJC/SFC</u>
Short Title	<u>Crime of Swatting</u>		
Analyst	<u>Hicks</u>	Original Date	<u>1/22/2025</u>
		Last Updated	<u>2/5/2025</u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 18 (SB18) would amend Section 30-20-16 NMSA 1978 to define swatting in the Criminal Code, designate swatting as a fourth degree felony offense, and increase the penalty for making a shooting threat from a misdemeanor to a fourth degree felony. SB18 would also define a public safety agency that may be impacted by a swatting incident. In practice, this change would institute criminal penalties for anyone who makes a shooting threat or commits an act of swatting on a kindergarten through 12th grade (K-12) school in New Mexico, in addition to other contexts.

FISCAL IMPACT

SB18 does not contain an appropriation.

LESC analysis focuses primarily on the impact of bills on K-12 education. SB18 would likely impact agencies like the New Mexico Corrections Department (NMCD), local law enforcement and other public safety entities, and the New Mexico Courts, but this analysis will not discuss these impacts further.

Should stronger criminal penalties result in fewer shooting threats and swatting events, schools may see reduced costs associated with responding to these incidents.

SUBSTANTIVE ISSUES

Swatting. SB18 would define swatting as “knowingly making a false or misleading report to a public safety agency of an ongoing emergency or threat of violence with the intent to cause an immediate response from a public safety agency.” Swatting is not currently defined in New Mexico’s Criminal Code, though there are criminal penalties for making a false police report (a misdemeanor offense).

Swatting is not specifically classified as a criminal offense by either state or federal law, making tracking of incidents difficult. In 2023, the Federal Bureau of Investigation [reported launching](#) a

database (known as the National Common Operational Picture Virtual Command Center) to track swatting incidents. This database is only available to [law enforcement agencies](#), though the FBI has [reported](#) over 400 swatting incidents since May 1, 2023. Prior to this action, no central agency tracked swatting incidents.

According to the [K-12 School Shooting Database](#), a cross-referenced database tracking school shooting incidents from 1966 to the present, there were 774 school swatting incidents across the United States between January 2023 and February 2024. Swatting incidents disrupt school operations, can have a traumatic impact on students and school staff, and divert public safety resources from emergencies. TDR Technology Solutions, a company tracking the monetary cost of school safety threats, [reports](#) an average of 780 schools in the U.S. were impacted by swatting per month in the 2023-2024 school year, resulting in approximately 656.4 thousand lost instructional hours per month nationwide. The cost of a swatting incident can vary significantly, with a 2015 incident in Rochester, New York, costing law enforcement around \$15 thousand and another on Long Island, New York, costing \$100 thousand. A 2023 [report](#) from Washington state counted 56 swatting incidents in the previous year with a total cost of nearly \$1.3 million. Around 58 thousand students were impacted by these incidents.

Public Safety Agency. The bill amends Section 30-20-16 NMSA 1978 to define a “public safety agency” as a law enforcement, firefighting, or emergency medical services agency or a public safety answering point operating in accordance with the New Mexico Enhanced 911 Act (Section 63-9D-1 through 63-9D-11.1 NMSA 1978).

Criminal Penalties. Under current state statute in the Criminal Procedure Act, anyone who is found to have committed a shooting threat is charged with a misdemeanor offense. Conviction for such an offense typically results in a fixed prison sentence of no more than a year, a fine of \$1,000, or both. In contrast, committing a bomb threat constitutes a fourth degree felony.

For a fourth degree felony, New Mexico law sets the basic prison sentence at 18 months. At the court’s discretion, an additional fine of up to \$5,000 may also be imposed.

Shooting Threats. In 2024, several schools in New Mexico received shooting threats, including schools in Albuquerque, Santa Fe, Las Cruces, Raton, Pojoaque, Rio Rancho, and Eagle Nest. These incidents varied in their impact, with some threats resulting in school lockdowns, others generating law enforcement responses, and a handful involving actual weapons being recovered by either school staff or law enforcement.

ADMINISTRATIVE IMPLICATIONS

Administrative impacts for K-12 entities are likely to be limited. According to the Law Offices of the Public Defender (LOPD), Administrative Office of the Courts (AOC), and the Administrative Office of the District Attorneys (AODA), SB18 would have administrative implications for their respective agencies.

OTHER SIGNIFICANT ISSUES

Prior to the 2022 legislative session, making a shooting threat was not classified as a criminal act under state law. The Legislature passed [Laws 2022, Chapter 56 \(HB 68\)](#), a package of changes to the criminal code that, among other provisions, made committing a shooting threat an unlawful act constituting a misdemeanor.

In both the 2023 and 2024 legislative sessions, [Senate Bill 513](#) and [Senate Bill 66](#), respectively, were introduced to designate swatting as an unlawful act, but the legislation did not pass in either session. These bills would have also made shooting threats a fourth degree felony.

RELATED BILLS

Related to House Bill 31, Fourth Degree Felony for Shooting Threat, which would also make committing a shooting threat a fourth degree felony offense.

SOURCES OF INFORMATION

- LESC Files
- LFC Files
- New Mexico Sentencing Commission (NMSC)
- Children, Youth, and Families Department (CYFD)
- New Mexico Department of Justice (NMDOJ)
- Law Offices of the Public Defender (LOPD)
- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Department of Public Safety (DPS)

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