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FISCAL IMPACT REPORT

SPONSOR Romero LAST UPDATED _____
ORIGINAL DATE 2/2/2023
BILL
SHORT TITLE Abatement of Assault and Battery NUMBER House Bill 172
ANALYST Gray

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			
Total						

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of House Bill 172

House Bill 172 amends statute to remove assault and battery as an exception for abatement of a tort action. NMSA 1978, Section 37-2-1 describes which civil actions survive when a party dies before suit is brought and NMSA 1978, Section 37-2-4 describes which civil actions are defeated by the death of a party.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

There are no estimated fiscal implications.

SIGNIFICANT ISSUES

Under current statute, a civil action is generally set aside—or abated—upon the death of one or both parties. Statute provides exceptions to this, and it currently includes assault or battery as an exception. HB172 proposes to remove assault or battery as an exception, meaning that civil cases involving assault or battery would be set aside on the death of one or both parties

BG/al/hg