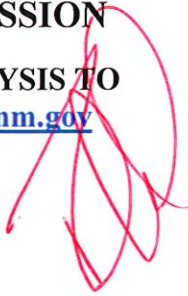


LFC Requester:

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: January 23, 2025 *Check all that apply:*
Bill Number: HB 31 Original Correction
 Amendment Substitute

Sponsor: Joy Garratt **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Fourth Degree felony for shooting threat **Person Writing:** Troy Davis
Phone: 505-3858461 **Email:** davistr@msn.com

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 revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB31 would create a fourth-degree felony crime for making bomb and/or firearm threats to another person.

FISCAL IMPLICATIONS

New cost for enforcement, prosecution, judicial and defense.

SIGNIFICANT ISSUES

A possible issue is the 1st amendment of the United States Constitution. However, the Supreme Court has reasoned the threats of violence are outside the First Amendment. See *Watts v. United States* 394 U.S, 707.

HB31 is broad enough to include threat against schools and public places. HB31 being a felony offense would require that CYFD forward any case against a juvenile to the district attorney's offices. Most threats of bombs or shooting usually involve a school shooting involve juveniles.

Restitution is part of any felony crime which is in discretion of the judiciary. The language in HB31 about restitution would be duplicative and possibly restricted by 31-17-1 Victim Restitution. Under 31-17-1 (A)(2) define "actual damages" means all damages which a victim could recover against the defendant in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitation, "actual damages" includes damages for wrongful death. HB31 restitution language would be almost the same as "actual damages".

CONFLICT

Possible conflict with NMSA 31-17-1 Victim restitution.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL AMENDMENTS

There would be a continued increase in threats against schools and other public place to delay or disubstituted public activities. Individuals will not be held accountable for disruption of public activities or businesses activities.