**Scott Sanchez** 

## 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 21, 2025	Check all that apply:		
<b>Bill Number:</b>	HB 50	Original _x Correction _		
		Amendment Substitute		

Sponsor: Cynthia Borrego	and ('ode	Administrative Office of District Attorney's Office - #264		
Short Penalties for Vehic	e Person Writing	M. Anne Kelly		
Title: Thefts	Phone: 5052503302	Email akelly@da.state.nm.us		

#### SECTION II: FISCAL IMPACT

#### **APPROPRIATION** (dollars in thousands)

Appropriation		Recurring	Fund	
FY25	FY26	or Nonrecurring	Affected	

(Parenthesis () indicate expenditure decreases)

#### **REVENUE** (dollars in thousands)

Estimated Revenue			Recurring	Fund
FY25	FY26	FY27	or Nonrecurring	Affected

(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:

Section 1 amends Section 30-16D-1 – "Unlawful Taking of a Motor Vehicle" – to delete the sentencing provision that makes the crime a fourth degree felony for a first offense, a third degree felony for a second offense, and a second degree felony for a third or subsequent offense.

<u>Section 2</u> amends Section 30-16D-2 – "Embezzlement of a Motor Vehicle" – to delete the identical sentencing provision as noted above in Section 1.

<u>Section 3</u> amends Section 30-16D-3 – "Fraudulently Obtaining a Vehicle or Motor Vehicle" – to delete the identical sentencing provision as noted above in Sections 1 and 2.

<u>Section 4</u> amends Section 30-16D-4 – "Receiving or Transferring Stolen Vehicles or Motor Vehicles" – to delete the identical sentencing provision as noted above in Sections 1, 2, and 3.

<u>Section 5</u> adds new material – Section 30-16D-5.1 "Penalties" – to provide the same sentencing structure (fourth degree felony for a first offense, third degree felony for a second offense, and second degree felony for a third or subsequent offense) for *any* of the four above crimes.

## FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None noted. It could potentially increase sentences on certain cases - now that a prosecutor can use other vehicle crimes to increase the penalty - but it doesn't appear that it would increase prosecutions as the crimes and their elements remain the same.

## SIGNIFICANT ISSUES

None noted. The criminal code contains the four crimes which all involve motor vehicle theft that can be committed in different ways; actual theft; embezzlement; fraudulently obtaining; and receiving or transferring. All four crimes currently have the same punishment. The bill would allow a prosecutor to use any one of these four motor vehicle crimes to increase the penalty for a subsequent offense for any one of these four crimes. For example, a prior conviction for embezzlement of a motor vehicle could be used as a prior offense to increase the sentence on a conviction for fraudulently obtaining a motor vehicle to a second offense.

## PERFORMANCE IMPLICATIONS

Sentences might increase, given the greater flexibility to use other motor vehicle crimes to

increase the punishment for a subsequent offense.

# ADMINISTRATIVE IMPLICATIONS

None noted.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

#### **TECHNICAL ISSUES**

None noted.

## **OTHER SUBSTANTIVE ISSUES**

None noted.

#### ALTERNATIVES

None noted.

## WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

## AMENDMENTS

n/a