

LFC Requester:

Felix Chavez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 01/19/2025

Check all that apply:

Bill Number: HB62

Original Correction
Amendment Substitute

Sponsor: Christine Chandler

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: UNIFORM INVESTIGATIVE DEMAND PROCEDURE

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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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

The language proposed in House Bill 062 (“HB62”) would make technical and conforming changes by amending, repealing, and enacting sections of the NMSA 1978. More specifically, HB62 creates a new section in Chapter 8, Article 5 NMSA 1978 (Attorney General) to authorize the empower the New Mexico Department of Justice through the authority of the Attorney General to prepare and serve a “Civil Investigative Demand” prior to civil litigation. Part A outlines the general authority of when the Attorney General and New Mexico Department of Justice may issue the demand prior to any civil litigation. Part B classifies that the records sought in the demand are not public records. Part C states the requirements of the demand. Part D states what the demand shall not entail. Part E states who the demand may be made by and proper service. Part F outlines how copies of the materials demand may be produced. Part G states who may provide the documents and copies of the materials demanded. Part H states that a petition to set aside the demand may be made. Part I provides remedy to the Attorney General and New Mexico Department of Justice, should a party not reply to the demand in the form of court aid. Part J states that this section “shall not be applicable to criminal prosecutions.”

HB62 in conjunction with the proposed new section in Chapter 8, Article 5, amend, repeal, or enact other sections of NMSA 1978, proposes to amend NMSA 1978 Section 6-4-22 by striking part H and relabeling the remainder parts accordingly.

HB62 proposes to amend and repeal parts of NMSA 1978, Section 6-27-9, more specifically, HB62 proposes to strike part A after the first sentence.

HB62 proposes to amend and repeal parts of NMSA 1978, Section 57-22-9.1 to change the title of 57-22-9.1 from INVESTIGATIVE DEMAND to CIVIL PENALTY. Furthermore, the proposed language of HB62 strikes all parts of 57-22-9.1 except for part J, which would be amended to have no part label.

Finally, in Section 5 the proposed legislation repeals various other NMSA Sections that contain civil investigative authority, namely, 47-6-25.1, 57-1-5, 57-12-12, 57-13-9, and 57-15.6.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

There are no issues in the proposed language of HB62. The proposed language appears to

reorganize the broad and statutory authority already provided to the Attorney General from different sections of the NMSA 1978 and move it to the authorizing statute of the Attorney General in Chapter 8, Article 5 of the NMSA 1978. This is in line and concert with the current broad and discretionary authority of the Attorney General as listed in the Attorney General authorizing statute.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

As drafted, HB62 provides that the New Mexico Department of Justice may draft and serve Civil Investigative Demands prior to initiating civil litigation which may lead to additional attorney and staffing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None.