

LFC Requester:	Scott Sanchez
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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 87 *Original* *Correction*
 Amendment *Substitute*

Sponsor:	<u>Hochman-Vigil</u>	Agency Name and Code Number:	<u>NM Sentencing Commission – 354</u>		
	Short <u>Non-Consensual Touching</u>		Person Writing	<u>Keri Thiel</u>	
	Title: <u>Clarification</u>			Phone:	<u>505-259-8763</u>
					Email <u>kthiel@unm.edu</u>

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:

HB 87 proposes to amend Section 30-9-12 NMSA 1978 to remove “unclothed” from the definition provided for criminal sexual contact, allowing that criminal sexual contact may occur to clothed as well as unclothed intimate parts. The bill also amends Section 30-9-12 to rephrase the age requirement for criminal sexual contact, to move the penalty for the offense in the fourth degree into its own subparagraph, and to re-letter the subsequent subparagraphs accordingly.

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.

SIGNIFICANT ISSUES

Criminal sexual contact can be either a fourth degree felony or a misdemeanor, depending on the circumstances of the offense. A fourth degree felony carries a basic sentence of 18 months imprisonment, while a misdemeanor is punishable by less than one year imprisonment. Of individuals who were released from New Mexico prisons in Fiscal Year 2024, individuals whose highest charge was a fourth degree felony served a median sentence of 13.07 months, and individuals whose highest charge was a misdemeanor served a median sentence of 11.43 months (likely following probation revocation).

It is difficult to determine what the effect of passing HB 87 would be on the state’s prison population, but broadening the scope of conduct included in the definition of criminal sexual contact may lead to more people being incarcerated by the Corrections Department. The average cost to incarcerate someone in the state’s prison system is \$155.63/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL
AMENDMENTS**