

LFC Requester:	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: 17 JAN 2025 *Check all that apply:*
Bill Number: HB103 Original Correction
 Amendment Substitute

Sponsor: Andrea Reeb **Agency Name and Code** 790 – Department of Public Safety
Short Title: Aggravated Battery of a Peace Officer **Number:** _____
Person Writing Dale R. Wagoner
Phone: 505-629-2803 **Email:** dale.wagoner@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act: 2024 HB-61

SECTION III: NARRATIVE

BILL SUMMARY

Increases the penalty for aggravated battery upon a peace officer from a third to a second-degree if that battery inflicts great bodily harm or is done with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted. Changing the degree of the felony from third to second degree increases the statute of limitations for prosecution from five to six years, increases the basic sentence from three to nine years, and the potential fine from \$5,000 to \$10,000.

The text in Section 1 A is now gender neutral correct as a peace officer is not referred to as “he” and “his” but is now referred to as “the officer.”

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

DPS supports these critical changes to New Mexico’s criminal code. This bill is a vital step in enhancing protections for peace officers who face significant risks while serving our communities. By increasing the penalty for aggravated battery upon a peace officer to a second-degree felony in cases involving great bodily harm, the use of a deadly weapon, or actions likely to cause death, we send a clear message that such violent acts will not be tolerated. The current penalty for aggravated battery upon a peace officer is the same as for any other member of the public, which is not consistent with other portions of the law such as battery, which normally include a higher level of penalty when committed against a police officer. DPS believes it is critical for crimes against officers to have an enhancement, because individuals who commit those offenses are showing the highest level of disregard for a lawful society and often pose the most significant threats of safety to the public in general. The stricter penalties, including a longer statute of limitations, a heightened basic sentence, and an increased fine, reflect the gravity of these offenses and align with the severity of harm inflicted. These changes not only provide justice for injured officers but also act as a stronger deterrent against such attacks, ensuring that those who protect and serve can perform their duties with greater assurance of safety and accountability.

ADMINISTRATIVE IMPLICATIONS

None.

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 will remain.

AMENDMENTS

None.