

LFC Requester: _____

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply:

Original **Amendment** _____
Correction _____ **Substitute** _____

Date 4 February 2025

Bill No: HB 104-280

Sponsor: Ramos
Andrea Reeb, Nicole Chavez,
Luis Terrazas, and Gabriel
Short Title: Crimes Against Peace Officers
Definitions

Agency Name and Code Number: 280 Law Offices of the Public
Defender [LOPD]
Person Writing: Kate Baldrige
Phone: 505-395-2890 **Email:** Kathleen.baldrige@lopnm.us

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 Expenditure 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 104 is identical to HB 225 proposed in the 2023 legislative session. This bill would add a number of crimes where police officers are injured to the Victims of Crimes Act so that police officers would qualify for the rights and benefits available to crime victims available under that Act. There are other minor amendments to the bill that would update the statutory location of crimes listed in the bill.

FISCAL IMPLICATIONS

There would be little to no fiscal impact for the LOPD, but could have a significant impact on the Crime Victims Reparation Fund which already struggles to afford services for civilian victims.

SIGNIFICANT ISSUES

This bill would amend the Victims of Crime Act to add police officers injured while in the performance of his or her duties specifically stemming from the commission of the crimes of assault or battery against a peace officer. This bill would make officers eligible to the panoply of rights afforded to the victims of crime enumerated in NMSA 1978 § 31-26-4.

Assault crimes inherently exclude physical injury, as when injury results, assault becomes a battery. Thus, analyst assumes that the inclusion of assault crimes is meant to address any psychological harm that may result, rather than physical injury.

The crimes listed in the amendment are usually committed as a byproduct of police response to an unrelated ongoing criminal activity, rather than a specific targeting of the police officer. The presence of a peace officer at the scene of a crime and his/her involvement in that crime thus flows from the performance of his/her duty, rather than from his/her role as a “victim” as originally contemplated by the Victims of Crime Act. In such circumstances, s/he is not the typical victim.

A peace officer’s presence at the scene has a purpose, which the performance of his duty compels. The dangers inherent in duties are presumably mitigated by the fact that officers injured

in their line of duty likely continue to receive full pay, medical insurance coverage and perhaps other benefits (like Worker's Compensation) when recuperating from any injuries received. These types of funds may not be available to other victims, including those who may be indigent and have no other source to be made whole. Given the limited capacity of the Crime Victims Reparation Fund, depletion of funds in this manner could undercut an important purpose of those funds.

In addition, police officers are no strangers to criminal court proceedings. Many of the rights afforded to crime victims listed in § 31-26-4 are unnecessary for police officers injured in the course of duty, as the officer would be aware of court proceedings and likely already be collaborating with the State to prosecute the case and are unlikely to be overwhelmed or confused by the process as a case moves forward. Finally, having a dual role as law enforcement assisting with the prosecution of a crime as a witness and a victim with a financial stake in the outcome of litigation could undermine the truth seeking function of the court system and create a conflict of interest.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None known.

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

None noted at this time.