

LFC Requester:	<i>Felix Chavez</i>
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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: 1/31/25 *Check all that apply:*
Bill Number: HB 190 Original Correction
 Amendment Substitute

Sponsor: D. Hochman-Vigil **Agency Name and Code:** NM CVRC/ 78000
Short Title: Victims of Crime Act Changes **Number:** _____
Person Writing: Claire Harwell/Frank Zubia
Phone: 505-553-1223 **Email:** Frank.Zubia@cvrc.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	n/a	n/a

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	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	0	0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: n/a
Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

SECTION III: NARRATIVE

BILL SUMMARY

The bill strengthens crime victims rights in the criminal justice system. The law would amend the definitions in 31-26-3 NMSA to correct a citation for negligent arson, correct the name of the offense of robbery, and make language changes for gender neutrality. Victims of Battery on a Healthcare Worker and Human Trafficking are added to the list of crime victims who are endowed with legal rights under the Act. More substantively, the amendments would specifically authorize attorney representatives of crime victims to file pleadings, and be heard in criminal cases on behalf of their clients. Notice of scheduled court hearings would be provided by court clerks to the prosecutors' offices who would be responsible for providing crime victims with at least a week's notice. The bill provides for exceptional circumstances with less advance notice to the victim only if the court makes a finding that exceptional circumstances exist. The crime victim would have a de novo appeal right to challenge the finding of exceptional circumstances with a possible remedy of vacating the proceeding and it's outcome and rescheduling it with proper notice.

The bill specifies a crime victim has a right to be present and to speak at all court proceedings on the criminal case, and is entitled to court funded services to facilitate observation and participation. The court's options if a crime victim is not notified of a proceeding would be permissive instead of mandatory, with the exception of requiring the prosecutor to notify the victim about any missed hearing retroactively and inform the victim of victim's legal rights. The prosecutor's office would be subject to civil liability for failing to notify a crime victim of a hearing and actual damages, equitable damages, and injunctive relief would potentially be available. The Attorney General would be authorized to sue for damages of up to \$500 for a single violation of rights, or \$500/day for an ongoing violation.

Synopsis: *The bill authorizes crime victims to have lawyers to represent them fully in the criminal justice process and provides remedies if victim's rights are not provided in conformance with law.*

FISCAL IMPLICATIONS

None to CVRC.

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.

If civil remedies are applied to address this issue, organizations that fail to adhere to proper notification practices may face significant financial and operational consequences.

SIGNIFICANT ISSUES

This makes it possible for crime victims to claim legal rights in the criminal justice process. Sovereign immunity is waived for violations.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None for CVRC.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None for CVRC.

OTHER SUBSTANTIVE ISSUES

Without remedies, the legal rights of crime victims are eviscerated..

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The District Attorney's Office and the criminal courts have historically and consistently scheduled hearings with minimal notice to victims, limiting their ability to participate meaningfully in the proceedings. Crime victims would have inadequate opportunity to participate in criminal cases affecting them.

AMENDMENTS

None suggested.