

LFC Requester:	Allegra Hernandez
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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: 2/2/2025 *Check all that apply:*
Bill Number: HB 204 Original Correction
 Amendment Substitute

Sponsor: Reps. Dixon and Reeb **Agency Name and Code** University of New Mexico-952
Short Title: Refusal of Certain Pretrial Statements **Number:** _____
Person Writing Lenaya Montoya
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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

BILL SUMMARY

Synopsis: HB 204 enacts a new section of the “Victims of Crime Act” to provide the right to refuse pretrial statements or interviews by a child victim, child witness, and adult victim. Further, HB 204 provides procedures on how an adult victim can be interviewed.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES:

Navigating the court system can be quite difficult for individuals who do not have professional education/training regarding the structure and function of the system with which they have been compelled to engage. Children, those who have been victims of crime in particular, may lack the developmental and/or emotional capacity to navigate these processes which may be confusing, intimidating, and lead to compounded negative experiences related to past trauma.

Pretrial interviews (PTIs) are utilized disproportionately in New Mexico as compared to other states, calling into question their usefulness and credibility. Decisions to prosecute crimes are informed by the results of investigations which regularly include official statements from witnesses or victim of crimes, making PTI’s redundant and unnecessary. Children often undergo forensic interviews by professionals whose training and experience in conducting interviews allows for an effective trauma informed approach. Attorneys who conduct PTIs uniformly lack this expertise, which creates substantial risk to pollute discovery and needlessly perpetuate the trauma of victims of crime.

The time and cost invested in arranging and conducting PTIs, which may or may not be necessary to some cases, unduly delays legal processes which is a detriment to defendants and victims, and demonstrates poor use of state resources. This is particularly important given the substantial degree of case backlog that New Mexico currently experiences.

This bill aims to minimize repetitive trauma to victims of crime and/or witnesses who are inherently marginalized, such as children. This bill may also serve to improve judicial efficiency and reduce cost/waste associated with the antiquated and largely ineffective, practice of PTIs.

PERFORMANCE IMPLICATIONS

A positive result of this bill will be the shortening of the trial process. Pretrial interviews are not standard practice in many other U.S. states, and they add additional time and cost to trial processes. Pretrial interviews also do not often appear to alter trial outcomes.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Victim fear of experiencing additional trauma is a common reason that many abuse crimes do not go to trial, leaving victims and the public at risk of further victimization. Pretrial interviews have significant potential to cause significant additional and unnecessary distress to victims. This issue is particularly important for child victims. The whole Child Advocacy Center model is predicated on limiting additional trauma for children who have been abused. Pretrial interviews are the antithesis of what is considered the standard of care throughout the country.

ALTERNATIVES:

Consideration of even broader limitations to PTI's to improve efficiency and reduce waste in the judicial system.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL:

Continued inefficiency/waste in an already overwhelmed justice system to the detriment of crime victims and other marginalized populations, such as children. Victims of abuse in New Mexico will remain at risk of significant revictimization through the pretrial process.

AMENDMENTS

N/A

Responses received from:

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