

<b>LFC Requester:</b>	<b>Sanchez, Scott</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 2/10/25 *Check all that apply:*  
**Bill Number:** HB 318 Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Stefani Lord **Agency Name and Code** AOC  
**Short Title:** Penalty for Resisting or Evading Officers **Number:** 218  
**Person Writing** Kathleen Sabo  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HB 318 amends Section 30-22-1 NMSA 1978, governing resisting, evading or obstructing an officer, to increase the penalty from a misdemeanor to a fourth degree felony.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

Increased penalties are likely to result in increased costs related to additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

#### **SIGNIFICANT ISSUES**

- 1) Increased penalties are likely to result in increased costs related to additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

- 1) Section 30-22-1 NMSA 1978, governs resisting, evading or obstructing an “officer.” Subsection (D)(4) states that the crime consists of “resisting or abusing any judge, magistrate or peace officer in the lawful discharge” of duties. While there is no definition of “officer” in the criminal code, there are definitions of both “public officer” and “peace officer” in Section 30-1-12 NMSA 1978. A definition of “law enforcement agency” can be found, for example, in Section 29-7-7 NMSA 1978. A common definition of “law enforcement” is “the department of people who enforce laws, investigate crimes and make arrests: the police.” (See Merriam Webster Dictionary at <https://www.merriam-webster.com/dictionary/law%20enforcement> .) It appears that a judge or magistrate does not fit within the definition of “law enforcement” and that the bill’s title is too narrow a

description of those covered by the statute amended in HB 318. Further clarity could be obtained by defining “officer” within the criminal code, or using the term “public officer” within Section 30-1-12 NMSA 1978, if the intent is to include all public officers within the ambit of the statute.

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

## **AMENDMENTS**