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| LFC Requester: | SCOTT SANCHEZ |
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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: February 10, 2025 *Check all that apply:*
Bill Number: HB 318 Original Correction
 Amendment Substitute

| | |
|--|--|
| Sponsor: <u>Stefani Lord/John Block</u> | Agency Name and Code Number: <u>Administrative Office of the District Attorneys 264</u> |
| Short Title: <u>Interference with Law enforcement</u> | Person Writing: <u>Donald Gallegos</u> |
| | Phone: <u>5757703120</u> Email: <u>dgallegos@questalaw.</u> |

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 318 amends Section 30-22-1, NMSA 1978 as follows:

- Adds language on page 2, line 13 that clarifies that paragraph (4).
- Adds language on page 2, lines 15 and 16 that increases the penalty from a misdemeanor to a fourth-degree felony.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.
 None

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

A conviction for Resisting, Evading or Obstructing an Officer is presently a misdemeanor, punishable by up to 364 days jail and a \$1000 fine.

The proposed amendment to the statute will make it a fourth-degree felony punishable by up to 18 months in the state penitentiary and a \$5000 fine.

Judges and magistrates are included as “officers” for purposes of the statute.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Increasing the penalty to a felony may have a deterrent effect on persons so that they do not resist,

obstruct or evade an officer.

A person convicted of this fourth degree felony offense will be able to have the conviction expunged after all penalty/probation/parole requirements have been met.

Prosecutors will have the ability to offer plea agreements to misdemeanors in certain situations.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS