

LFC Requester:	Felix Chavez
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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: 10 FEB 2025 *Check all that apply:*
Bill Number: HB 322 Original Correction
 Amendment Substitute

Sponsor: Stefani Lord & John Block & Harlan Vincent **Agency Name and Code** 790 – Department of Public Safety
Short Title: Increase penalty for certain crimes. **Person Writing** Randy Larcher
Phone: 575-386-7712 **Email:** Randyt.larcher@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Identical to 2024 HB109
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Provides that any criminal sexual penetration of a child under 18 years is a first-degree felony, and criminal sexual penetration on a child when committed by a school employee or volunteer is also first degree felony pursuant to the amendments proposed in this bill. Also makes the only situation in which criminal sexual penetration of a child is a fourth-degree felony is when the child is thirteen to sixteen years of age and the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child. Removes all other previously listed kinds of fourth degree criminal sexual penetration. The crime of criminal sexual penetration by the use of force or coercion on a child thirteen to eighteen years of age has been removed as a second-degree felony pursuant to this amendment. It is also no longer a separate crime to commit criminal sexual penetration of a child thirteen to eighteen when done with force or coercion. Makes human trafficking if the conduct is commercial sexual activity and the victim is under the age of eighteen a first-degree felony. Provides the death penalty for first degree human trafficking of a child under the age of eighteen and criminal sexual penetration of a child. Imposes a \$100,000 fine for the crimes of first degree aggravated criminal sexual penetration and first degree criminal sexual penetration of a child.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.