

LFC Requester:

Scott Sanchez

## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/10/20254

*Check all that apply:*

**Bill Number:** HB 340

Original X      Correction       
Amendment           Substitute     

Rep. Yanira Gurrola, Rep.  
Charlotte Little, Rep. Eleanor  
Chavez, Rep. Joy Garratt, and  
Rep. Patricia Roybal Caballero

**Sponsor:** \_\_\_\_\_

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Person Writing Analysis:** Assistant Solicitor General  
Taylor Bui

**Short Title:** DNA of Certain Offenders in  
CODIS

**Phone:** 505-537-7676

**Email:** legisfir@nmag.gov

### 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
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

HB 340 amends the DNA Identification Act (NMSA 1978, Section 29-16-1 *et seq.*) by adding a new section that would require the administrative center to enter the DNA into the Combined DNA Index System (CODIS) for any person who dies before being charged with a felony, except: 1) those that were not in prison at the time of death, then the DNA shall only be entered upon motion by the district attorney and with an order from the court, or 2) those who are in prison at the time of their death or released prior to July 1, 1997, that collected DNA would be entered automatically.

Currently, Section 29-3-10 requires that any person eighteen years or older who is arrested for a felony to provide a DNA sample to the jail or detention facility when they are booked. However, a sample is not submitted to CODIS and is destroyed unless: 1) the arrest was made upon an a felony arrest warrant; 2) the Defendant has appeared before a judge or magistrate who has made a finding that there was probable cause for the arrest; or 3) the defendant posted bond and was released prior to appearing before a judge or magistrate and then failed to appear. The DNA Identification Act, Section 29-16-1 *et seq.* otherwise provides procedure and regulations for DNA samples and DNA identification, including creating the DNA oversight committee, provides for procedures related to DNA samples, and expungement of samples and DNA records, but does not provide for samples collected under Section 29-3-10 when the person dies.

Note: Terms that are used in HB 340 that are defined in Section 29-16-3 include “administrative center”, “DNA”, and “CODIS.”

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

None.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

This new section may require the DNA oversight committee, which consists of a committee of nine voting members, including the Attorney General (or their designee), to draft and promulgate new rules regarding the retention and submission of the DNA discussed in HB 340. *See* Section 29-16-5.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**None.**

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

**None.**

**ALTERNATIVES**

N/A

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

- **Status quo**

**AMENDMENTS**

N/A