

LFC Requester: _____

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: _____ *Check all that apply:*
Bill Number: HB359 Original Correction
 Amendment Substitute

Sponsor: Rep. Pettigrew **Agency Name and Code** HCA 630
Short Title: Perjury for False Legislative Testimony **Number:** _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	-	-

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	-	-

(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	\$0	\$0	\$0	\$0	-	-

(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:

The bill amends the definition of perjury in Section 32-25-1 of the Criminal Code to include as a fourth-degree felony giving knowingly false testimony before the legislature or a legislative committee, regardless of whether the testimony is given under oath, affirmation, or penalty of perjury. The provisions of the amendment do not apply to statements made by members of the public.

FISCAL IMPLICATIONS

There is no direct fiscal impact identified. However, increased enforcement of perjury laws in legislative proceedings could result in additional investigative and prosecutorial costs for state agencies.

SIGNIFICANT ISSUES

The bill significantly alters the definition of perjury, which is the making of a knowingly false statement under oath or affirmation, either verbally or in writing. People giving sworn testimony or who offer sworn affidavits are explicitly notified of the legal consequences and penalties of perjury before making statements. It is not clear that persons (including state employees) called to testify in legislative hearings would be so apprised, which could have due process implications were the law to be invoked.

The bill could have a chilling effect on testimony provided before the legislature, as individuals may become reluctant to participate in legislative hearings for fear of criminal liability, particularly in situations where statements involve subjective assessments, policy interpretations, or evolving factual circumstances.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NMSA 1978 Sec. 30-25-1

TECHNICAL ISSUES

The exclusion of public testimony is not clearly defined. The bill could benefit from clarifying whether the term "public" includes registered lobbyists, subject-matter experts, or contracted advisors who are not state employees.

OTHER SUBSTANTIVE ISSUES

The lack of a clear mechanism for determining intentionality—such as whether an individual knowingly made a false statement versus providing incorrect information based on misunderstanding or error—could lead to enforcement challenges and potential legal disputes over

how the law is applied.

The bill's provisions could result in inconsistent application across different legislative settings, particularly if there are discrepancies in how committees document and handle testimony.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None