

Duplicates/Conflicts with/Companion to/Relates to: House Bill 190z
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 445 changes the following definitions of the Victims of Crime Act under Section 31-26-2 NMSA 1978:

- removes the definition of a “criminal offense”;
- redefines “formally charged” and “victim”
- defines “offender”

HB 445 also expands victim rights under the Section 31-26-4 NMSA 1978 by requiring:

- electronic notice of court proceedings,
- electronic notice when an offender is released from jail, prison or lockup, both pre- and post-conviction;
- prompt possession of a residence or other real property upon completion of law enforcement’s investigation of a crime; and
- financial assistance for crime scene cleanup and professional biohazard services.

HB 445 removes the requirement that a crime victim must report the criminal offense within five day of the offense but a crime victim must provide the district attorney with current contact information and cooperate and respond to reasonable requests by law enforcement agencies and the district attorney in order for a victim’s rights to be vested.

HB 445 also defines when the rights and duties under this Act take effect:

Law enforcement - when a criminal offense is committed; and

District attorneys and courts - when an offender is formally charged with committing a criminal offense against a victim and remains in effect until final disposition of the charges against an offender.

This legislation defines the duties of law enforcement agencies, the district attorney, courts, the corrections department, and the children, youth and families department regarding duties and obligations under the Victims of Crimes Act.

Finally, this bill makes the following appropriations to establish and maintain an electronic notification system in fiscal year 2026 with any unexpended funds reverting to the general fund:

- one million to the administrative office of the courts;
- five hundred thousand to the department of finance for the boards of county commissioners; and
- five hundred thousand to the corrections department.

In addition, HB 445 also makes an appropriation of five hundred thousand to the state department of justice to administer the victims of crime assistance fund to assist victims with crime scene cleanup and professional biological hazard services. This appropriation is for fiscal year 2026 and any unexpended balance shall not revert to the general fund.

HB 445 does not contain an effective date and would be effective on June 20, 2025, 90 days

following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for the 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 the number of crime victims who choose to exercise these rights under the Victims of Crimes Act. 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.

SIGNIFICANT ISSUES

HB 445 appears to open the Victims of Crime Act to the victim of any crime, including all felony and misdemeanor offenses, since it removes the list of enumerated crimes Section 31-26-3(B). This expansion of rights to a greater number of individuals may have an impact on the criminal justice system, but it is unknown how and when crime victims may choose to exercise these rights.

Section 9 of this bill creates a new process for the courts to provide a crime victim with notice of court proceedings. This legislation requires the judiciary to create a new electronic notification system and requires the court to “provide a victim with electronic notification of a court hearing when it is scheduled and again before the court proceeding”.

It is important to note that the judiciary generally does not enter the name of a crime victim into the judiciary’s case management system, Odyssey, when the case is opened because this information is not always available or is accurate. For example, a law enforcement officer may use the information on a victim’s driver’s license which may not reflect their current address. For an electronic notification system to be most effective, a cell phone number or an email address would be needed.

While Section 8 of this legislation requires the district attorney’s office “shall provide the victim with information about and assistance with signing up for electronic notifications of court proceedings”, Section 9 of this bill appears to require the court to provide all victims with electronic notification of a court hearing. Section 9 should include language that if a victim has provided the court with a cell phone number or email address, then the victim will be provided with an electronic notification of a court hearing.

PERFORMANCE IMPLICATIONS – none identified.

ADMINISTRATIVE IMPLICATIONS - none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP - none identified.

TECHNICAL ISSUES

Section 14 of HB 445 requires electronic notification systems established shall “integrate information maintained by the administrative office of the courts, each board of county commissioners and the corrections department.” Currently, each of these entities mentioned in this bill use different system and it is not possible to “integrate information” as required in this legislation.

OTHER SUBSTANTIVE ISSUES - none identified.

ALTERNATIVES - none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – none.

AMENDMENTS – none.