

LFC Requester:	
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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: 2/24/2025 *Check all that apply:*
Bill Number: H445-341 Original Correction
 Amendment Substitute

Sponsor: Rep. Chavez
Sen. Maestas
Short Title: VICTIMS OF CRIME ACT
CHANGES

Agency Name and Code DFA-341
Number: _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	(\$1,000.0)	Nonrecurring	General Fund
	(\$500.0)	Nonrecurring	General Fund
	(\$500.0)	Nonrecurring	General Fund
	(\$500.0)	Nonrecurring	General Fund
	\$1,000	Nonrecurring	Admin. Office of the Courts
	\$500	Nonrecurring	Local Government Department
	\$500	Nonrecurring	Corrections Department
	\$500	Nonrecurring	Victims of Crime Assistance Fund

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

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(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		(\$7,840.0)		\$7,840.0	Nonrecurring	General Fund

(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:

- House Bill 445 (HB445) amends the Victims of Crime Act (Section 31-26 NMSA).
- Expands the application of the Act to all victims by striking out “of violent crimes.”
- Removes definition of “criminal offense” and adds definition of “offender.” Amends definitions of “formally charged” to include a criminal complaint and “victim” to include persons directly and proximately harmed by all crime resulting in bodily harm or loss of or damage to the person’s property.
- Amends victim’s rights in regard to electronic notice when an offender is released from a jail, prison or lockup pre- and post-conviction. Adds victim’s right to retake possession of a residence or property upon completion of law enforcement investigation.
- Removes five-day requirement for victim to report criminal offense. Adds requirement for victim to provide the DA an email address.
- Provides that the rights and duties of law enforcement agencies take effect when a victim reports a criminal offense.
- Revises the language regarding the designation or appointment of a victim’s representative and adds requirement that the victim’s representative shall notify the DA, court, and counsel of the designation or appointment.
- Provides that the duties of law enforcement agencies that investigate a criminal offense against a victim shall treat the victim with fairness and respect, provide all available information, and take reasonable steps to provide protection.
- Requires the Administrative Office of the Courts, the Corrections Department, and each Board of County Commissioners to establish and maintain electronic notification systems for victims.
- Creates the Victims of Crime Assistance Fund to be administered by the State Department of Justice.
- Makes appropriations to the Administrative Office of the Courts, DFA, Corrections, and to the Victims of Crime Assistance Fund.
- Repeals section 10.1 (Crime victim presence at court proceedings; plea agreement notification) of the Victims of Crime Act.
- The bill will go into effect 90 days following the adjournment of the Legislature.

FISCAL IMPLICATIONS

- \$1 million to the Administrative Office of the Courts to establish and maintain an electronic notification system to provide notice of court proceedings pursuant to the provisions of the Victims of Crime Act.
- \$500 thousand to the Local Government Division of the DFA for the Boards of County Commissioners to establish and maintain an electronic notification system pursuant to the provisions of the Victims of Crime Act.
- \$500 thousand to the Corrections Department to establish and maintain an electronic notification system pursuant to the provisions of the Victims of Crime Act.
- \$500 thousand to the Victims of Crime Assistance Fund to contract for services to assist with crime scene cleanup and professional biological hazard services. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

Assuming 160 work hours will be needed for a PB80, the estimated cost per hour is \$49. \$49*160= \$7,840.00.

SIGNIFICANT ISSUES

- It is unknown if this is sufficient for each County to establish and maintain an electronic notification system.

PERFORMANCE IMPLICATIONS

- \$500 thousand split evenly between all 33 counties would result in each County receiving approximately \$15,150.

ADMINISTRATIVE IMPLICATIONS

- House Bill 445 does not specify how the Local Government Division of DFA will disburse the \$500 thousand to the Boards of County Commissioners as the various funding needs for an electronic notification system from County to County is unknown.
- The intent is for each County to establish its own individual system so DFA can enter into a grant agreement with each County to disburse or reimburse the funds.
- The LGD will need to monitor expenditures to ensure funds were used for the establishment and maintenance of an electronic notification system in accordance with the Victims of Crime Act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB104 is in conflict. HB445 removes the definition of a criminal offense within the Victims of Crime Act and HB104 revises and adds additional language to this definition.

HB190 relates to this bill as it also amends the Victims of Crime Act. It is in conflict with the definition of criminal offense. It duplicates the changes to the designation or appointment of a victim's representative. It also makes additional amendments to the Act.

SB510 conflicts with definition of a criminal offense.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS