

LFC Requester:	
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO [AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** January 25, 2025 *Check all that apply:*  
**Bill Number:** SB 70 Original  Correction   
 Amendment  Substitute

**Sponsor:** Craig W. Brandt **Agency Name and Code Number:** Administrative Office of the District Attorneys 264  
**Short Title:** Amendments to the Racketeering Act **Person Writing:** Donald Gallegos  
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**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)**

<b>Lines 11-14</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<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**

**BILL SUMMARY**

Synopsis:

SB 70 amends Section 30-42-3, NMSA 1978, by adding 11 crimes to the definition of “Racketeering.” See page 4, lines 7-25 and page 5, lines 1-3.

Amends Section 30-42-4, NMSA 1978 by adding the definition of “criminal gang.” Page 5, lines 12-15. It also adds a new subsection prohibiting a person who is in a leadership position to knowingly finance, supervisor conspired to commit, through the direction of members of the enterprise, racketeering activity. A person was convicted of this subsection, is guilty of a first felony.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.  
 None

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

SB 70 adds more tools for law enforcement and prosecutors to deal with organized crime. The added crimes to the definitions are those crimes that are frequently committed by organized crime. Of particular note is adding the crime of human trafficking that it is all too prevalent and is almost always carried out by organized crime. Adding the additional crimes would allow law enforcement to thoroughly investigate sex traffickers, prison gangs and the insurrection activist groups.

Listing criminal gains as a possible enterprise and then defining what a criminal gang gears, seems to be in line with what is often used by federal law enforcement agencies, including the FBI. Additionally, New Mexico agencies, such as Bernalillo County Sheriff’s office, have been reintegrated with the GANGNET database which also uses the proposed statutory definition of gangs. This addition could help prosecutors in situations where a gang is conducting illicit activity does not necessarily match the pre-existing definition of “enterprise,” as the statute is currently written. When prosecuting someone for racketeering, proving the “enterprise” is one of the greatest hurdles.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

Status Quo.

**AMENDMENTS**