

LFC Requester:	Chavez, Felix
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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: 1/28/25 *Check all that apply:*
Bill Number: SB 154 Original Correction
 Amendment Substitute

Sponsor: Sen. Antonio Maestas **Agency Name and Code:** AOC 218
Short Title: Moving Traffic Violation **Person Writing:** Kathleen Sabo
Deferred Sentences **Phone:** 505-470-3214 **Email:** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 154 enacts a new section of the Motor Vehicle code, Section 66-8-142 NMSA 1978, prohibiting a court from deferring a sentence of a person who commits a moving traffic violation if that person has, within the past year, had the sentence for a moving traffic violation deferred.

SB 154 defines “moving traffic violation”, as used within the new statutory section, to mean:

- (1) failure to obey traffic-control devices, as provided in Section 66-7-104 NMSA 1978;
- (2) failure to obey traffic-control signals, as provided in Section 66-7-105 NMSA 1978;
- (3) speeding, as provided in Section 66-7-301 NMSA 1978;
- (4) failure to yield, as provided in Sections 66-7-328 through 66-7-332.1 NMSA 1978;
- (5) reckless driving, as provided in Section 66-8-113 NMSA 1978;
- (6) careless driving, as provided in Section 66-8-114 NMSA 1978; or
- (7) racing on highways, as provided in Section 66-8-115 NMSA 1978.

SB 154 amends Section 31-20-3 NMSA 1978, governing an order deferring or suspending a sentence, to provide the exception to the rule, provided in the new Section 66-8-142 NMSA 1978 that a court may either order a deferred sentence, enter an order suspending a sentence, or commit a convicted person.

SB 154 provides that the provisions of the Act apply to violations of traffic laws that occur on or after the effective date of the Act, July 1, 2025.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for 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 commenced prosecutions, and appeals from convictions, as well as challenges to the law. 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.

Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

SIGNIFICANT ISSUES

- 1) A deferral of a moving traffic violation ticket can allow and encourage people to take steps to improve their driving behavior or address other issues specified to be addressed in a deferral. There is a question as to whether the SB 154 prohibition against deferrals will deter people from improving their driving or address other specified issues. Given that the prohibition only applies if a person has had a sentence for a moving traffic violation deferred within the past year, however, an additional moving traffic violation

might indicate that a person is *not* learning and *not* improving their driving, and imposing an immediate fine may provide more deterrence against additional moving traffic violations and encourage a person to actually improve their driving.

- 2) While it might be argued that prohibiting a court from granting a deferral of a sentence of a person who commits a moving traffic violation violates the doctrine of separation of powers set out in N.M. Constitution, Art. III, Section 1, the New Mexico Supreme Court, in *State v. Mabry*, 1981-NMSC-067, 96 N.M. 317, 630 P.2d 269 (1981), held that mandatory sentencing does not violate the doctrine of separation of powers. While the court was addressing mandatory sentencing and not a prohibition on deferrals, in both instances, the discretion of the court was removed, so it is possible that the reasoning employed by the court in *State v. Mabry* might apply.
- 3) The Motor Vehicle Dept. addresses dismissals and deferrals here: <https://www.mvd.newmexico.gov/dismissals-and-deferrals/>.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS