

LFC Requester:

Felix Chavez 1080

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 01/28/2025

Check all that apply:

Bill Number: SB154

Original  Correction   
Amendment  Substitute

Sponsor: SEN. ANTONIO MAESTAS

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: MOVING TRAFFIC VIOLATION DEFERRED SENTENCES

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

##### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	<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>	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act N/A

### **SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

### **BILL SUMMARY**

#### Synopsis:

Section 1 of SB154 defines the term “moving traffic violation” and provides that a court shall not defer the sentence of a person who commits a moving traffic violation if that person has had a sentence for a moving traffic violation deferred within the past year.

Section 2 of SB154 amends NMSA 31-20-3 to ensure that the proposed terms of SB154 override existing legislation generally allowing courts to defer or suspend sentencing of most crimes. Within this section, there is also a technical amendment to NMSA 31-20-3 properly identifying the NM corrections department (not the department of corrections).

Section 3 of SB154 would make the law applicable to traffic violations occurring after the effective date of the act.

Section 4 of SB154 provides an effective date of July 1, 2025.

### **FISCAL IMPLICATIONS**

N/A

### **SIGNIFICANT ISSUES**

SB154 would potentially increase penalties for certain repeat offenders of “moving traffic violations”, as defined, by eliminating the possibility of serial deferred sentences.

SB154 uses the term “within the past year”, which may be vague as written. The language as written may logically be construed either as “the immediately prior 365 days” or “the last calendar year”. Whichever meaning is intended could be more clearly articulated.

### **PERFORMANCE IMPLICATIONS**

None

### **ADMINISTRATIVE IMPLICATIONS**

None

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None at this time.

**TECHNICAL ISSUES**

None, other than addressing the possible vagueness issue discussed above.

**OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

N/A

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

Status quo.

**AMENDMENTS**

None at this time