

LFC Requester:

Scott Sanchez

## 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:** January 29, 2025

*Check all that apply:*

**Bill Number:** SB 161

Original  Correction   
Amendment  Substitute

**Sponsor:** Sen. Michael Padilla and Sen. Harold Pope

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

**Short Title:** Background Checks for DMA Employees

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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)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

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(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **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: SB 161 proposes to amend the existing language of Chapter 20, Article 3, NMSA 1978. SB 161 would require background checks for personnel at the Division of Military Affairs, including those employees or volunteers assigned to supervise or otherwise be in control of minors attending the national guard youth challenge and job challenge academies, the governor's summer program or other youth programs of the DMA. SB 161 sets forth a procedure for conducting the background checks and the limitations for which the information can be shared.

Section 2 amends NMSA 1978, Section 20-3-2, and would allow the adjutant general to use "other funds available to the adjutant general" to support youth programs.

### **FISCAL IMPLICATIONS**

N/A.

### **SIGNIFICANT ISSUES**

Section 1B provides that "applicants, employees or volunteers who will be assigned to supervise or otherwise be in control of minors" are subject to the background check requirement. The term "otherwise be in control" appears vague and open to interpretation, which may present difficulties in implementation. In addition, other language in Subsection B requires "employees or volunteers who have been *working with minors*" are also subject to the new background check requirements of the bill. This phrasing is also vague. Lastly, additional language in Subsection B provides that an "employee or volunteer who has *care or control of minors*" are subject to supervision pending the completion of a background check. These various descriptions of volunteers and employees subject to the new requirements of the bill appear internally inconsistent and may present difficulties in implementing the bill's requirements. It also appears that the background check requirement would apply retroactively for individuals already in these positions and require the people in these roles to cover the cost of the background check themselves within six months of enactment.

**PERFORMANCE IMPLICATIONS**      N/A

**ADMINISTRATIVE IMPLICATIONS**      N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**      N/A

**TECHNICAL ISSUES**      N/A

**OTHER SUBSTANTIVE ISSUES**      N/A

**ALTERNATIVES** N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**  
Status quo.

**AMENDMENTS** N/A