

LFC Requester:

Helen Gaussoin

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: February 6, 2025

Check all that apply:

Bill Number: SB 291

Original Correction
Amendment Substitute

Sponsor: Sen. Crystal Brantley

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

Person Writing

Short Title: Enforcement of Game & Fish Laws

Analysis: Michael J. Thomas

Phone: 505-537-7676

Email: legisfir@nmdoj.gov

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
Total						

(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: The bill would expand the powers of state conservation officers, i.e., law enforcement officers employed by the Department of Game and Fish (DGF), to enforce provisions of the Criminal Code, the Motor Vehicle Code, and the Boat Act.

It would also authorize law enforcement officers employed by the State Parks Division of the Energy, Minerals and Natural Resources Department, to enforce violations of Chapter 17, NMSA, i.e. the laws pertaining to game and fish.

Section 1 of the bill would amend NMSA 1978, § 17-2-19 in several respects. Section 17-2-19(A) would be amended by changing “his” (referencing the sheriff’s) respective county to “the sheriff’s” county. That changes the reference to “sheriff” so as to be gender neutral, instead of using the word “his.”

The bill would also add language to Section 17-2-19(A) making it clear that “each law enforcement officer employed by the state parks division of the energy, minerals and natural resources department” shall enforce Chapter 17 NMSA 1978.

Section 1 would also amend Section 17-2-19(C)(1) to refer to the “department” of game and fish, rather than to the game and fish “research and management” division, to be more reflective of the modern functioning of DGF, in reference to the use of check stations along roads.

Section 1 would also amend Section 17-2-19(C)(2) by deleting the current language “under emergency circumstances” in referring to the ability of DGF conservation officers to enforce the provisions of the Criminal Code and the Motor Vehicle Code while on official duty. That is, Section 17-2-19(C)(2) currently authorizes DGF officers to enforce provisions of the Criminal Code and the Motor Vehicle Code while on official duty and only “under emergency circumstances,” as that term has been clarified in caselaw.

The subject amendment of Section 17-2-19(C)(2) would only require DGF officers to be on official duty in order to enforce the Criminal Code or the Motor Vehicle Code, and would eliminate the current, additional requirement that there be “emergency circumstances.” Because of that change which would expand DGF conservation officers’ powers, the bill would also delete certain enumerated exceptions providing for certain instances in which DGF conservation officers may currently enforce the Criminal Code. Those enumerated exceptions, for laws including criminal trespass and criminal damage to property, would no longer be needed because

under the bill, DGF conservation officers could enforce any provision of the Criminal Code as noted.

Section 2 of the bill would amend NMSA 1978, § 66-12-22, governing enforcement of the Boat Act. That section of the bill would do so by adding a reference to DGF conservation officers among those authorized, in addition to state parks law enforcement officers and some others, to enforce provisions of the Boat Act, NMSA 1978, §§ 66-12-1 to -23.

Section 2 would also make a slight change to Section 66-12-22 to make reference to “sheriff’s” county instead of “his” (sheriff’s) county, reflecting the same gender-neutral change made by Section 1 as noted above.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 5 reforms the State game commission and renames the “department of game and fish” as the “department of wildlife” and the “State game commission” as the “State wildlife commission.”

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Conservation officers would likely need further training in order to be prepared to enforce the Criminal Code, the Motor Vehicle Code, and the Boat Act. For instance, training could be in coordination with the New Mexico law enforcement academy.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A.