

<b>LFC Requester:</b>	<b>SCOTT SANCHEZ</b>
-----------------------	----------------------

**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:** 02/11/2025  
**Bill Number:** SB 331

*Check all that apply:*

Original  Correction   
 Amendment  Substitute

**Sponsor:** Sen. Antoinette Sedillo Lopez;  
Sen. Crystal Brantley

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

**Short Title:** DOMESTIC VIOLENCE PROGRAMS & PROBATION

**Person Writing Analysis:** AAG BRIAN MOFFATT  
**Phone:** 505-537-7676  
**Email:** legisfir@nmag.gov

**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: SB 26

Duplicates/Relates to Appropriation in the General Appropriation Act HB 216, SB 191

### **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 331 provides that a person convicted of and sentenced for certain identified criminal offenses shall participate in and complete a Domestic Violent Offender Treatment of Intervention Program approved by CYFD, providing that a person who violates a condition of probation ordered pursuant to a suspended or deferred sentence may be subject to any sentence the court could have originally imposed without credit for time served on probation.

SECTION 1 adds the above provision to NMSA 30-3-12 Assault Against a Household Member;

SECTION 2 adds the above provision to NMSA 30-3-13 Aggravated Assault Against a Household Member;

SECTION 3 adds the above provision to NMSA 30-3-14 Assault Against a Household Member with Intent to Commit a Violent Felony;

SECTION 4 adds the above provision to NMSA 30-3-17 Multiple Convictions of Battery or Aggravated Battery (against a household member);

SECTION 5 adds the above provision to NMSA 30-3-18 Criminal Damage to Property of Household Member – Deprivation of Property of Household Member;

SECTION 6 adds the above provision to NMSA 40-13-6 Service of [Protection] Order – Duration – Penalty – Remedies.

SB 331 also defines the maximum period of incarceration and combined period of incarceration and probation for each statute so amended.

### **FISCAL IMPLICATIONS**

N/A

### **SIGNIFICANT ISSUES**

None

## **PERFORMANCE IMPLICATIONS**

None

## **ADMINISTRATIVE IMPLICATIONS**

None

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB 26, at Section 16, regarding orders of protection, would amend NMSA 40-13-6 (F) to read “... the court ... shall order the person convicted to participate in and complete a domestic violence offender treatment or intervention program or other relevant treatment program, at the person’s own expense, if possible.”

This language is similar, but not identical, to that in Section 6 of SB 331. The sponsors of the respective Bills may consider harmonizing the language used.

## **TECHNICAL ISSUES**

None

## **OTHER SUBSTANTIVE ISSUES**

There are a limited number of domestic violence offender programs or intervention programs approved by CYFD, so appropriate resources may or may not be readily available to persons potentially impacted by SB 331. Perhaps HB 216 and/or SB 191 may address this issue.

## **ALTERNATIVES**

N/A

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

Status Quo

## **AMENDMENTS**

None at this time