

LFC Requester:	
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 2025-02-11
Bill No: SB331

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Agency Name CYFD 69000
and Code
Number:
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Short DOMESTIC VIOLENCE
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		
0		0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	118.2	114.7	232.9	Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

If enacted, SB 331 would:

Provide guidance and direction related to participation and completion of domestic violence offender treatment program, length of time an individual may be required to serve probation for, and system responses should an individual fail to comply with the requirements connected with a conviction of acts of domestic violence, intimate partner violence, assault against a family member and violation of an order of protection:

* Amend 30-3-12 NMSA 1978 Chapter 221, Section 3 to clarify that the victim of assault may be any household member who is either the survivor of assault or has reason to believe that they may be at danger for being the victim of immediate battery;

* Require anyone convicted pursuant to this section of the law to participate in and complete a domestic violence offender treatment program or intervention program that is approved by the Children, Youth and Families Department (CYFD);

* Provide for an extension of probation beyond one hundred eighty-two days (182) but not to exceed one (1) year;

* Provide for the imposition of any sentence that the court could have originally imposed should the convicted individual violate any condition of probation, as long as the sentence does not exceed 182 days incarceration or more than 1 year in combined incarceration and probation time;

* Removes the ability for the convicted individual to receive credit for time served while on probation should they violate any condition of probation;

* Amend 30-3-13 NMSA 1978 Chapter 221, Section 4 to require anyone convicted pursuant to this section of the law to participate in and complete a domestic violence offender treatment program or intervention program that is approved by the Children, Youth and Families Department (CYFD);

* Provide for the imposition of any sentence that the court could have originally imposed should the convicted individual violate any condition of probation, as long as the sentence does not exceed the amount of time in

combined incarceration and probation that could have originally been imposed;
* Removes the ability for the convicted individual to receive credit for time served while on probation should they violate any condition of probation;

* Amend 30-3-14 NMSA 1978 Chapter 221, Section 5 to require anyone convicted pursuant to this section of the law to participate in and complete a domestic violence offender treatment program or intervention program that is approved by the Children, Youth and Families Department (CYFD);

* Provide for the imposition of any sentence that the court could have originally imposed should the convicted individual violate any condition of probation, as long as the sentence does not exceed the amount of time in combined incarceration and probation that could have originally been imposed;

* Removes the ability for the convicted individual to receive credit for time served while on probation should they violate any condition of probation;

* Amend 30-3-17 NMSA 1978 Chapter 16, Section 4 to require anyone convicted pursuant to this section of the law to participate in and complete a domestic violence offender treatment program or intervention program that is approved by the Children, Youth and Families Department (CYFD);

* Provide for the imposition of any sentence that the court could have originally imposed should the convicted individual violate any condition of probation, as long as the sentence does not exceed the amount of time in combined incarceration and probation that could have originally been imposed;

* Removes the ability for the convicted individual to receive credit for time served while on probation should they violate any condition of probation;

* Amend 30-3-18 NMSA 1978 Chapter 255, Section 2 to require anyone convicted pursuant to this section of the law to participate in and complete a domestic violence offender treatment program or intervention program that is approved by the Children, Youth and Families Department (CYFD);

* For individuals who are convicted of a misdemeanor pursuant to this law, provide for an extension of probation beyond three hundred sixty-four days (364) but not to exceed two (2) years;

* Provide for the imposition of any sentence that the court could have originally imposed should the convicted individual violate any condition of probation, as long as the sentence does not exceed 364 days incarceration or more than 2 years in combined incarceration and probation time;

* Removes the ability for the convicted individual to receive credit for time served while on probation should they violate any condition of probation;

* For individuals who are convicted of a felony pursuant to this law, provide for an extension of probation beyond three hundred sixty-four days (364) but not to exceed two (2) years;

* Provide for the imposition of any sentence that the court could have originally imposed should the convicted individual violate any condition of probation, as long as the sentence does not exceed the amount of time in combined incarceration and probation that could have originally been imposed;

* Removes the ability for the convicted individual to receive credit for time served while on probation should they violate any condition of probation;

- * Amend 40-13-6 NMSA 1978 Chapter 286, Section 6 to require anyone convicted pursuant to this section of the law to participate in and complete a domestic violence offender treatment program or intervention program that is approved by the Children, Youth and Families Department (CYFD);
- * Provide for the imposition of any sentence that the court could have originally imposed should the convicted individual violate any condition of probation, as long as the sentence does not exceed 364 days incarceration or more than 2 years in combined incarceration and probation time;
- * Provide for an extension of probation beyond three hundred sixty-four days (364) but not to exceed two (2) years;
- * Removes the ability for the convicted individual to receive credit for time served while on probation should they violate any condition of probation.

FISCAL IMPLICATIONS

If enacted, SB 331 may result in an increased need for funding to support community provider agencies who deliver the CYFD approved domestic violence batterer intervention programming.

If enacted, SB 331 would result in a need for 1 additional Domestic Violence Program Specialist (pay band 70) to provide technical support and data tracking for the additional individuals required to complete these services.

SIGNIFICANT ISSUES

Domestic Violence Offender Treatment services are paid for out of the Domestic Violence Offender Treatment and Intervention (DVOTI) Fund that ceased receiving funding with the cessation of the court fines and fees.

PERFORMANCE IMPLICATIONS

If enacted, SB 331 has the potential to increase caseloads for community-based domestic violence intervention program providers. The amount of the increase is unclear and will require a review of the number of individuals who would become eligible to be required to complete domestic violence offender treatment services should this bill be enacted.

ADMINISTRATIVE IMPLICATIONS

If enacted, SB 331 will require notification to the court, community-based domestic violence offender treatment and intervention (DVOTI) providers and CYFD of any individual who violates probation who becomes eligible to be required to complete DVOTI services. This may result in the need for additional FTE at Department of Corrections Probation Division and the Administrative Office of the Courts to track the individuals who become eligible as well as to track their completion of DVOTI services.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted

TECHNICAL ISSUES

If enacted, SB 331 will result in a need to create a cross-system reporting process to ensure that individuals who become eligible to be required to participate in and complete domestic violence offender treatment programs are appropriately tracked and their completion data is shared with the court, probation, community-based DVOTI providers and CYFD.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The failure to enact SB 331 will perpetuate the status quo, potentially placing individuals, children, youth, and families at heightened risk for future harm. This is particularly concerning if perpetrators of violence are not provided with the opportunity to engage in and complete domestic violence offender treatment programs, which are critical for mitigating the risk of reoffending and ensuring long-term safety.

AMENDMENTS

None.