

LFC Requester:

Rachel Mercer-Garcia

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: 2/11/2025

Check all that apply:

Bill Number: SB334

Original Correction
Amendment Substitute

Sponsor: Senator Michael Padilla (D)

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

Person Writing

Short Title: ASSAULT & BATTERY OF CYFD WORKERS

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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
Total						

(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: Synopsis: SB334 creates criminally liability for assault, aggravated assault, assault with intent to commit a violent felony, battery, aggravated battery, and assisting in the commission of a battery committed against a “child welfare worker” employed by the Children Youth and Families Department. The new proposed statute, §30-3-9.3 NMSA, tracks the same crimes and penalties as those for assault, aggravated assault, assault with intent to commit a violent felony, battery, aggravated battery and assistance in the commission of a battery against school personnel, NMSA §30-3-9, and health care workers, NMSA §30-3-9.2.

The penalties for assault, aggravated assault, assault with intent to commit a violent felony, battery, and aggravated battery (no death, great bodily harm or deadly weapon) are all increased one degree, from those same statutory crimes against regular civilians. The crime of aggravated battery with a deadly weapon, or by which great bodily harm is inflicted or death can be inflicted, remains a third degree felony if committed on either a regular civilian, school personnel, health care officials, sports officials or a child welfare worker.

FISCAL IMPLICATIONS

N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

N/A

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