

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 334 proposes to enact a new section of the Criminal Code, Section 30-3-9.3 NMSA 1978, to create seven new offenses related to battery or assault of a child welfare worker. These offenses are as follows:

1. Assault upon a child welfare worker (misdemeanor);
2. Aggravated assault upon a child welfare worker (third degree felony);
3. Assault with intent to commit a violent felony upon a child welfare worker (second degree felony);
4. Battery upon a child welfare worker (fourth degree felony);
5. Aggravated battery upon a child welfare worker – not likely to cause death or great bodily harm (fourth degree felony);
6. Aggravated battery upon a child welfare worker – great bodily harm, deadly weapon, or likely death or great bodily harm (third degree felony);
7. Assists or is assisted to commit a battery upon a child welfare worker (fourth degree felony).

The bill provides definitions for “child welfare worker” and “in the lawful discharge of the child welfare worker’s duties”.

FISCAL IMPLICATIONS

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

It is difficult to determine what the effect of passing SB 334 would be on the state’s prison population, but the addition of seven offenses to the Criminal Code would likely lead to more people being incarcerated by the Corrections Department. The penalties for the offenses added by SB 334 range from a misdemeanor to a second degree felony. Based on the length of stay for individuals released from NM jails and prisons in FY 2024, the median lengths of stay for these penalties are as follows:

1. For a misdemeanor, 11.43 months;
2. For a fourth degree felony, 1.07 years;
3. For a third degree felony, 1.58 years;
4. For a second degree felony, 3.47 years.

The average per day cost to incarcerate someone in the state’s prison system is \$155.63/day; this

average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS