

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

*(Analysis must be uploaded as a PDF)*

**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 *Check all that apply:*  
**Bill Number:** SB334 Original  Correction   
 Amendment  Substitute

**Sponsor:** Michael Padilla **Agency Name and Code Number:** 770-NMCD  
**Short Title:** Assault and Battery of CYFD Workers **Person Writing:** Anisa Griego-Quintana  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	0	0	0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Senate Bill 334 creates a specific crime for the assault and battery-related charges of a child welfare worker employed by CYFD in tiered offenses. Does not apply to social workers contracted by but not employees of CYFD. Enhanced penalties are as follows:

- A misdemeanor offense for attempting battery or causing reasonable fear of battery or assault against a state child welfare worker.
- Battery would be a fourth degree felony.
- Aggravated battery would be a third or fourth degree felony, depending on the severity of injury.
- Group battery (battery that included the assistance of others) would be a fourth degree felony.
- Aggravated assault would be a third degree felony, if using a deadly weapon.
- Assault with intent to commit a violent felony would be a third degree felony.
- Assault with intent to kill a state child welfare worker would be punishable as a second-degree felony.

#### **FISCAL IMPLICATIONS**

The creation of a specific crime for assault and battery related to child welfare workers could increase the numbers of individuals sentenced to incarceration or community supervision but would not be at a rate that would significantly impact the Corrections Department. At the FY24 expenditure level, the average cost per inmate is \$56,804 annually, or approximately \$156 per day. Additionally, the average annual cost per individual on community supervision is \$7,074.

#### **SIGNIFICANT ISSUES**

None for the Corrections Department.

#### **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

#### **ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

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

None for the Corrections Department.

#### **TECHNICAL ISSUES**

None for the Corrections Department.

**OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

**ALTERNATIVES**

None for the Corrections Department.

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

Status quo.

**AMENDMENTS**

None proposed by the Corrections Department.