

LFC Requester:	LFC Analyst Rachel Mercer-Garcia
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to 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: 11FEB25 *Check all that apply:*
Bill Number: SB334 Original Correction
 Amendment Substitute

Sponsor: Senator Michael Padilla **Agency Name and Code** 790 – Department of Public Safety
Short Title: Assault & Battery on CYFD Workers **Number:** _____
Person Writing Matthew Broom, Deputy Chief
Phone: 5757601485 **Email:** Matthew.broom@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	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
Total	NFI	NFI	NFI	NFI	NFI	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

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; and
- Assault with intent to kill a state child welfare worker would be punishable as a second-degree felony.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

The establishment of a specific crime for assault and battery-related charges involving a child welfare worker employed by CYFD is critical in ensuring accountability and protection for both the workers and the vulnerable children they serve. By creating tiered offenses, the law would address varying degrees of harm and misconduct, thereby allowing for proportional punishment based on the severity of the offense.

Child welfare workers often work in high-risk environments, facing challenging and volatile situations while trying to protect vulnerable children and families. The bill would provide an extra layer of protection for these workers by categorizing assaults and batteries against them as specific offenses with clearly defined penalties.

These workers, who are already under significant stress and facing difficult cases, should be afforded additional legal safeguards. By recognizing the risks they face, this bill acknowledges the dangerous nature of their work and helps deter violent acts against them.

The bill increases penalties for various levels of assault and battery against child welfare workers, ranging from misdemeanors to third-degree felonies. These enhanced penalties act as a deterrent for individuals who might otherwise consider committing violence against these public servants. The potential for serious legal consequences could reduce such crimes.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS – DPS

None at this time.