

LFC Requester:	SCOTT SANCHEZ
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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:** February 17, 2025 *Check all that apply:*  
**Bill Number:** SB 381 Original  Correction   
 Amendment  Substitute

**Sponsor:** Candy Spence Ezzell **Agency Name and Code Number:** Administrative Office of the District Attorneys 264  
**Short Title:** Larceny of Livestock and Firearms **Person Writing:** Donald Gallegos  
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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)**

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

(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:

SB 381 proposes the following:

- Amends Section 30-1-12 NMSA 1978 by adding “livestock” and “head of livestock” to the definitions in the criminal code.
- Amends Section 30-16-1 NMSA 1978 (Larceny Statute) by:
  - Setting out the degrees of felonies and penalties according to the value of the livestock stolen. Page 5, lines 1-10.
  - Setting out the degrees of felonies and penalties according to the value of the firearm stolen. Page 5, lines 11-25, page 6, lines 1-2.
  - Expressing that larceny of livestock and firearms is a separate offense for each head of livestock or firearm stolen.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.  
 None

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

**SIGNIFICANT ISSUES**

This bill addresses the issue addressed by the New Mexico Supreme Court in *State v. Torres*, 2022-NMSC-024 where the Supreme Court held that persons cannot be prosecuted for each individual theft of livestock. Presently, if a person steals one cow or 10, they can only be prosecuted for one count of larceny.

Should the bill pass and be signed into law, persons can be prosecuted and convicted for each

animal stolen that fits under the definition of livestock, or firearm, as set out in this bill.

The bill also makes it so that a person can be prosecuted for each theft of a firearm. Page 5, lines 11-25 and page 6, lines 1-2.

See page 6, lines 1-2 where the bill makes it clear that “the theft of head of livestock or firearm shall constitute a separate offense.”

Prosecutors will still have the discretion to aggregate counts, dismiss some counts or run counts concurrently as part of plea negotiations. Likewise, district court judges will still be able to craft sentences to run counts concurrently. Finally, juries will always have the discretion to convict on some, but not all, counts.

Adding the valuations tied to the degree of felony will assist prosecutors in charging decisions when single animals or multiple animals are stolen

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

## **TECHNICAL ISSUES**

There appears to be a conflict between the language in Subsection G of Section 30-16-1, NMSA 1978 with the word “multiple” in Paragraph (3) (page 5, line 9) and the word “multiple” in Subsection I (page 6, line 1). It may be a better alternative to strike the word “multiple” from page 5, line 9 and page 6, line 1.

## **OTHER SUBSTANTIVE ISSUES**

The New Mexico Supreme Court emphasized in the *Torres* case that should the legislature intend for prosecutions of larceny of livestock to be separate accounts for each animal stolen, or firearm stolen, then the statute needs to state that. This bill definitely accomplishes that.

Larceny of livestock, no matter what amount, is economically devastating to ranchers and farmers and to the people of the State of New Mexico.

## **ALTERNATIVES**

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

Status Quo.

## **AMENDMENTS**

