

LFC Requester:

Scott Sanchez

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 2/14/2025 *Check all that apply:*
Prepared:
Bill SB 381 Original Correct
Number: _____ ion _____
Amend _____
ment _____ Substit
_____ ute _____

Spons _____ **Agency**
or: Candy Spence Ezzell **Name and**
Code
Number: NMDA - 199
Person Writing
Analysis: Jeff Witte
Short Criminal Code
Title: Definition of **Pho**
Livestock **ne:** 575-294-3817 **ema** Jheitz@nmda.nm
il: su.edu

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

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

(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 381 (SB 381) amends Section 30-1-12 NMSA 1978 (being laws 1963, Chapter 303, Section 1-13) of the criminal code by defining "Livestock", as well as, amending the crime of larceny to allow for value-based degrees of felony when it involves livestock or firearms. It also provides that each head of livestock or firearm stolen by a person constitutes a separate offense of larceny.

FISCAL IMPLICATIONS

None to NMDA

SIGNIFICANT ISSUES

According to the New Mexico Livestock Board (NMLB), the New Mexico Court of Appeals and Supreme Court of New Mexico, in a decision in 2022, stated that it was unclear whether the legislators of the State of New Mexico intended to protect the livestock industry by providing that each head of livestock stolen would be a separate offense. That decision affected two cases in prosecution channels involving the theft of over 20 head of cattle in each case. By rendering that decision, charges were dropped from several felony counts to one felony count for each case. See A-1-CA-38561, State v. Chadwick, Court of Appeals of New Mexico, and A-1-CA 38099 State v. Torres, 2020; 2022-NMSC-024 State v. Torres/Chadwick

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

NMDA inquires if the crime of "the theft of livestock that is greater than twenty thousand dollars and multiple livestock are stolen" (page 5, lines 8-10), was intended to be a **first-degree** felony, rather than a **second-degree** felony as currently written.

Some clarity may be needed regarding charges filed on a theft involving multiple head of livestock versus filing charges on a per head basis.

OTHER SUBSTANTIVE ISSUES

Livestock producers invest heavily in their animals and the loss of even one can be financially devastating.

Livestock are a significant economic driver for the state. In 2023, the total value of the agriculture cash receipts output from New Mexico totaled \$3.99 billion. The value of livestock production was \$3.09 billion.

According to the 2023 New Mexico agricultural statistics bulletin, gross income from cattle and calves totaled \$1.72 billion in 2023. New Mexico's inventory of all cattle and calves was 1,290,000 head as of January 1, 2024. Milk cow inventory was 250,000. Dairy producers retained 105,000 heifers for replacement. Beef cow inventory was 450,000 head. Ranchers held 70,000 heifers for beef cow replacement. The number of steers weighing 500 pounds or more was 110,000. Bull inventory this year came in at 30,000 head. Calves on hand weighing less than 500 pounds, including both beef and dairy calves, totaled 205,000 head. The 2023 calf crop was estimated at 570,000 head. The average value of cattle and calves per head was \$1440.00.

Sheep and lamb inventory totaled 75,000 head as of January 1, 2024. The number of breeding sheep was 60,000 head. Market sheep and lambs were 15,000 head. The 2023 lamb crop was 34,000 lambs. The average value of sheep and lambs per head was \$206.00.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Stolen livestock will still be prosecuted as a third-degree felony regardless of its value and only be considered one offense regardless of the number of head of livestock or firearms.

AMENDMENTS

N/A