

LFC Requester:

Scott Sanchez

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/22/25

*Check all that apply:*

**Bill Number:** SB 467

Original  Correction   
Amendment  Substitute

**Sponsor:** Sen. Antonio Maestas

**Agency Name and Code Number:** 305 – New Mexico Department of Justice

**Person Writing**

**Short Title:** Criminal Record Orders & Expungement

**Analysis:** Johnna L. Walker

**Phone:** 505-537-7676

**Email:** legisfir@nmag.gov

#### 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)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<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**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: Proposed SB 467 amends the Criminal Record Expungement Act that was codified in 2019 and amended in 2021, NMSA Sections 29-3A-3 to 29-3A-5. There are three significant amendments proposed by SB 467, each outlined below.

The first proposed amendment would remove the requirement that the court issue an order within 30 days of the hearing. This amendment would apply to all three subsections of the Act: expungement of records upon identity theft, NMSA 1978 § 29-3A-3; expungement of records upon release without conviction, NMSA 1978 § 29-3A-4; and expungement of records upon conviction, NMSA 1978 § 29-3A-5.

The second proposed amendment changes who the petitioner shall provide notice to for an expungement of records upon release without conviction and expungement of records upon conviction.

The statute as currently enacted requires a petitioner who has completed their sentence *without a conviction* to provide notice to the district attorney for that district and the department of public safety. This amendment would remove the requirement that the department of public safety be given notice. Notice would only be required to one agency rather than two under this amendment.

The statute as currently enacted requires a petitioner who has completed their sentence *upon conviction* to provide notice to the district attorney for that district, the department of public safety and the law enforcement agency that arrested the petitioner. This amendment would remove the requirement that the department of public safety and the arresting law enforcement agency be given notice. Notice would only be required to one agency rather than three under this amendment.

Finally, the third proposed amendment removes embezzlement pursuant to NMSA 1978 § 30-16-8 as one of the enumerated crimes that are not eligible for expungement. This would mean that those who have committed the crime of embezzlement would be eligible for expungement of their criminal record.

**Section Breakdown:**

Section 1 amends NMSA §29-3A-3(B) by removing the provision that requires the court

issue an order “within thirty days of hearing.”

Section 2 amends NMSA §29-3A-4(B) by removing “the department of public safety” from the parties that petitioner is required to give notice to. It also amends subsection (C) by removing the provision that the court must issue an order within thirty days of the hearing.

Section 3 amends NMSA 1978 §29-3A-5(B) by removing “the department of public safety” and “the law enforcement agency that arrested the petitioner” from the parties that petitioner is required to give notice to. It also amends subsection (C) by removing the provision that the court must issue an order within thirty days of the hearing. This provision also amends NMSA §29-3A-5(G) to remove “embezzlement” from the enumerated crimes that expungement does not apply.

Section 4 of the proposed bill repeals NMSA 1978 §29-10-8 (Review of arrest record information; appeal) in its entirety. This statute allows a person to review and challenge an arrest record, if the person believes it is inaccurate or incomplete.

### **FISCAL IMPLICATIONS**

None noted.

### **SIGNIFICANT ISSUES**

None noted.

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

N/A

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

N/A

### **TECHNICAL ISSUES**

N/A

### **OTHER SUBSTANTIVE ISSUES**

N/A

### **ALTERNATIVES**

N/A

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

Status quo

## **AMENDMENTS**

N/A