



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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

SB 467 amends Section 29-3A-3 NMSA 1978, regarding expungement of criminal records upon identity theft, to remove the 30-day time limit for courts to issue an order expunging records upon a showing that the petitioner has been the victim of identity theft.

The bill amends Section 29-3A-4 NMSA 1978, regarding expungement of criminal records upon release without conviction, to remove the 30-day time limit for the issuance of court orders expunging those records, and to remove the requirement that the petitioner provide notice of their petition to the Department of Public Safety.

SB 467 also amends Section 29-3A-5 NMSA 1978, regarding expungement of criminal records following conviction, to remove the 30-day time limit for the issuance of court orders expunging those records, and to remove the requirement that the petitioner provide notice of their petition to the Department of Public Safety and the law enforcement agency that arrested the petitioner.

SB 467 further amends Section 29-3A-5 to remove embezzlement from the list of offenses that are ineligible for post-conviction expungement.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

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

#### **SIGNIFICANT ISSUES**

SB 467 makes a conviction for charges of embezzlement pursuant to Section 30-16-8 NMSA 1978 expungable under the law, provided that the petitioner has completed their sentence and paid any fines or fees owed for the conviction. Since the start of FY 2024, there have been 340 unique charges of embezzlement, excluding bindovers, transfers, remands, and cases in which a defendant became deceased before their charges were resolved. Of these 340 charges, 62 (18.2%) resulted in a conviction.

Of these 62 convictions, 6 (9.6%) were classified as petty misdemeanors, 23 (37.0%) were classified as misdemeanors, 16 (25.8%) were classified as fourth degree felonies, 9 (14.5%) were classified as third degree felonies, and 8 (12.9%) were classified as second degree felonies. SB 467 does not differentiate between levels of embezzlement, which range from petty misdemeanor (value of \$250 or less) to second degree felony (value exceeds \$20,000). Under the bill, all embezzlement convictions would potentially be eligible for expungement.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**