

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 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: 25FEB25 *Check all that apply:*
Bill Number: SB505la Original Correction
 Amendment Substitute

Sponsor: Sen. Joseph Cervantes **Agency Name and Code** 790 – Department of Public Safety
Short Title: LAW ENFORCEMENT USE OF BODY CAMERAS **Number:** _____
Person Writing Kent Augustine
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

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

Bill Change: Peace officers who fail to comply with the policies and procedures required to be adopted pursuant to Subsection A of this section [~~may~~] shall be presumed to have engaged in intentional spoliation of evidence.

1. On page 3, strike lines 10 and 11 and on line 12, strike “independent tort of” and insert in lieu thereof “engaged in.”

This bill relates to law enforcement. It strengthens the presumption of bad faith for peace officers who fail to comply with the policies and procedures of the use of body-worn cameras. It amends the definition of “law enforcement agency” to include police departments of public post-secondary educational institutions.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

This bill reinstates a flawed legal standard which previously presumed bad faith, and in this proposed bill presumes intentional spoliation of evidence, on the part of law enforcement officers without considering the reality of policing or the complexities of technology. The 2023 legislative amendments to Section 29-1-18 were carefully crafted to ensure accountability while recognizing that officers operate in high-pressure, dynamic environments where technological failures and human error are inevitable. The proposed changes would undo those improvements, creating a dangerous and unjust legal precedent.

This bill unfairly assumes that any failure to comply with body-worn camera policies constitutes intentional wrongdoing. Officers often respond to rapidly evolving, high-stress situations where immediate action is required to protect lives. In some cases, activating a camera may not be the top priority, yet this bill would automatically presume misconduct rather than allow for a reasonable assessment of the circumstances.

Moreover, technological malfunctions are a reality. The law should differentiate between intentional misconduct and genuine technical or human error, but this bill fails to do so as it jumps to the foregone conclusion of “shall be presumed to have engaged in intentional spoliation of evidence”.

By reinstating a broad presumption from “may” to “shall”, this bill significantly increases the likelihood of frivolous tort claims against officers, law enforcement agencies, and the Department of Public Safety (DPS). The state will face unnecessary litigation costs. The 2023 revisions to the law struck a reasonable balance—ensuring accountability while preventing baseless lawsuits. There is no evidence that those changes led to officers avoiding discipline for misconduct, making this reversion unnecessary and harmful.

The amendments made in 2023 were based on sound legal reasoning and practical experience. Since their adoption, there has been no demonstrated need to return to the problematic language of the past. Law enforcement agencies across the state supported the 2023 revisions because they ensured officers who intentionally violated policy could still be held accountable—without unfairly penalizing those who acted in good faith or encountered unavoidable technical issues.

This bill is a step backward. It disregards the complexities of law enforcement work, exposes officers to unwarranted liability, and undermines the fair and reasonable standards established in 2023. Rather than reverting to an unfair presumption of intentional spoliation of evidence, the legislature should maintain the current language, which effectively balances accountability with the realities of policing.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No fiscal impact to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

No further amendments at this time.