

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
-----------------------	----------------------

**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:** 27 FEB 2025 *Check all that apply:*  
**Bill Number:** SB510 Original  Correction   
 Amendment  Substitute

**Sponsor:** William E. Sharer, Pat Woods, Crystal Brantley, Anthony L. Thornton and Nicholas A. Paul  
**Short Title:** OMNIBUS CRIME BILL  
**Agency Name and Code Number:** 790 – Department of Public Safety  
**Person Writing:** H.L. Lovato  
**Phone:** 5058273316 **Email:** Herman.Lovato@dps.nm.gov

**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
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

A 125-page bill that incorporates some or all of various bills from this session relating to public safety, including HB86, HB134, HB39, HB107, HB4, , SB74, and SB326.

Senate Bill 510 (SB 510) introduces sweeping changes to New Mexico's public safety laws by amending existing statutes and adding new provisions related to human trafficking, controlled substances, juvenile justice, competency evaluations, pretrial detention, and sentencing guidelines.

The bill removes the statute of limitations for prosecuting human trafficking offenses, increases penalties for drug-related crimes leading to death, and strengthens pretrial detention considerations. It also significantly modifies the juvenile justice system by expanding the definitions of serious youthful offenders and youthful offenders, allowing youth offenders to waive amenability hearings, and transferring detained juveniles to adult facilities upon turning 18.

Additionally, SB 510 establishes new competency restoration protocols and eliminates earned meritorious deductions for individuals convicted of human trafficking. These legislative changes will require substantial updates to record-keeping, tracking offender data, and revising procedures for criminal history documentation.

The bill also appropriates \$500,000 (GF) to the Administrative Office of the Courts for use in FY2026 for additional costs due to global positioning systems or other costs associated with pretrial release conditions.

#### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

#### **SIGNIFICANT ISSUES**

SB 510 will increase LERB's administrative workload by requiring expanded record retention, enhanced interagency collaboration, and policy updates to ensure compliance. Among the issues LERB will face is receiving key juvenile records, including serious felony offenses (14+), booking fingerprints/photos, and firearm violations. These changes require improved data management and procedural clarity to balance law enforcement priorities with legal protection.

1. Human Trafficking – Expands definitions, eliminates statute of limitations, and prohibits earned meritorious deductions, increasing prosecutorial power but requiring enhanced victim protection and interagency coordination.
  - The bill recognizes the complexity of human trafficking cases, ensuring victims are not further victimized by the legal system through prosecution for actions taken under duress. By raising the age for sexual exploitation protections, New Mexico aligns with federal and state trends recognizing minors under 18 as particularly vulnerable. Adding human trafficking to racketeering statutes enhances prosecutorial tools, while prohibiting specific defenses mitigates common loopholes exploited in such cases.
  - DPS also believes that the following crimes should be listed in the definition of “racketeering” found in the definitions listed in 30-42-3 as additional subsections: (29) patronizing prostitutes, as provided in Section 30-9-3, NMSA 1978; (30) promoting prostitution, as provided in 30-9-4, NMSA 1978; (31) accepting earnings as a prostitute, as provided in 30-9-4.1, NMSA 1978; (32) any of the above listed crimes in this subsection committed in conjunction with conspiracy, as provided in 30-28-2, NMSA 1978.
2. Controlled Substances – Increases penalties for trafficking resulting in death, expands drug-free school zone laws, and adds counterfeit substances, requiring updated enforcement strategies and

interdepartmental collaboration.

- DPS supports critical changes to New Mexico's criminal code that would amend the sentencing and fines related to the unlawful distribution of controlled substances that result in the death of an individual and create a new crime of operating a stash house. These changes aim to address the growing opioid crisis and the devastating impact of drug-related fatalities on families and communities across the state.
  - According to the New Mexico Department of Health, overdose deaths in New Mexico have increased by 100% in the last decade, with a significant spike in fatalities linked to opioids and fentanyl.
  - In 2021, there were 1,000 drug overdose deaths in New Mexico, marking the highest number in state history. This is nearly double the number of overdose deaths from just five years ago.
3. Juvenile Justice – Broadens youthful offender definitions, allows waiver of amenability hearings, and transfers detained juveniles to adult facilities at 18, raising concerns about youth rehabilitation and incarceration rates.
    - New Mexico has seen a recent increase in crimes committed by juveniles. This increase requires an amendment to laws that will give courts more flexibility and acknowledge the challenge that youthful offenders impose on the courts and various services. DPS believes this bill could assist in dealing with those issues.
  4. Competency Evaluations – Establishes new criteria for competency determinations, mandates involuntary commitment assessments, and introduces community-based restoration, requiring procedural clarity and expanded forensic mental health resources.
    - This legislation will provide a clear flow chart outlining steps law enforcement could follow to determine competency, commitment, and treatment with a streamline approach. By expanding the criteria for criminal commitment, it helps ensure that we can more appropriately direct those who need specialized care find the correct resources that than continuing a cycle of criminal behavior without addressing root causes.
  5. Pretrial Detention – Implements risk-based assessment for release decisions, considers offender history and public safety risks, increasing judicial discretion but necessitating enhanced records management and oversight.
    - Provides additional factors for a court to consider in determining whether to detain a defendant. The additional factors may provide the court with a more comprehensive picture of the defendant and the crime allegedly committed possibly leading to better pretrial detention determinations.
  6. Sentencing Guidelines – Strengthens penalties for violent and trafficking-related crimes, prohibits sentence reductions for human trafficking, and extends juvenile jurisdiction, impacting correctional facility capacities and long-term sentencing policies.
    - Strengthened penalties for violent and trafficking-related crimes can act as a deterrent, reducing the likelihood that offenders will commit these serious offenses. By imposing harsher punishments, potential offenders may think twice before engaging in activities like human trafficking, assault, or other violent crimes.
    - Violent and trafficking-related crimes often create long-lasting harm to communities, instilling fear and instability. Strengthened penalties provide a tool for law enforcement to combat these crimes and restore public confidence

## **PERFORMANCE IMPLICATIONS**

No performance implications to DPS.

## **ADMINISTRATIVE IMPLICATIONS**

SB 510 increases LERB's administrative workload, requiring expanded data retention, enhanced tracking systems, and improved interagency coordination. Managing longer sentencing records, juvenile offender data, and competency status updates will necessitate procedural adjustments, system upgrades, and stricter

compliance with state and federal regulations.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationship to DPS.

**TECHNICAL ISSUES**

No technical issues to DPS.

**OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

**ALTERNATIVES**

None.

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

Failure to enact SB 510 will result in continued limitations on prosecuting human trafficking cases due to existing statute of limitations. Law enforcement agencies will lack expanded tools to combat stash houses and organized crime activities tied to human trafficking.

Additionally, without reforms to juvenile detention policies, certain youth offenders may continue to cycle through the criminal justice system without access to appropriate rehabilitative services.

The lack of standardized competency restoration procedures may also lead to delayed court proceedings and inconsistent application of mental health assessments in criminal cases.

**AMENDMENTS**

None at this time.