

Analyst: Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(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: 2/20/2025

Bill Number: SM10

Sponsor: Pinto

Short Title: Protection from Sexual Crimes

Agency Name and Code Number: NM Indian Affairs Dept 60900

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Section II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	NA	NA

(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	\$0	\$0	\$0	\$0	NA	NA

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(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:

SM10 calls for action from the U.S. government, the state of New Mexico, and Nations, Pueblos, and Tribes to address sexual violence, particularly against women and children. The memorial highlights that Native Americans experience rape or sexual assault at rates twice as high as other groups, and children are especially vulnerable, with a substantiated case of child sexual abuse every nine minutes.

The bill notes that many victims, particularly children, do not report the abuse, leaving them to suffer long-term trauma. The memorial asks for more resources for victims, changes to statutes of limitations for sexual violence cases, and a stronger response to the public health risks caused by underreported sexual crimes.

Copies of the memorial are directed to the New Mexico congressional delegation, the Governor, and the state's twenty-three sovereign nations.

FISCAL IMPLICATIONS

There are no appropriations in this bill; as a result, there is no fiscal impact to the New Mexico Indian Affairs Department.

SIGNIFICANT ISSUES

The memorial is overly broad in that it requests the United States and the Native American tribes, to take proactive steps in protecting victims of sexual crimes and to hold perpetrators accountable. The memorial does not state whether it means only those Native American tribes located whole or partially within the state of New Mexico or all Native American tribes across the country, of which there are 574.

Additionally, the memorial fails to acknowledge that the Bill of Rights applies to anyone accused of a crime, which should, therefore, be the mechanism through which the United States and the State of New Mexico hold defendants accountable for allegations made against them. For tribes, generally, Native American tribes only have criminal jurisdiction over Indian people, who are then subject to the Indian Civil Rights Act, 25 USC §1302, under which defendants should be held accountable for allegations made against them.

While the Memorial asks for the United States, the State, and Native American tribes to take such

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efforts, the memorial cannot require either the United States or Native American tribes to take any such actions. Therefore, the need for such Memorial is unclear.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

Rather than stating that various entities should take certain actions, the state should state what proactive steps must be taken in an effort to protect children and adults who are victims of crime. Such actions may include providing relevant and appropriate resources and services. Moreover, if the law regarding holding defendants or bad actors accountable is insufficient, the solution should be to determine the inadequacies and how to appropriately address them.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS