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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 58

SHORT TITLE: Telephone Crimes

SPONSOR: Reeb/Terrazas/Hernandez, J

LAST ORIGINAL
UPDATE: _____ **DATE:** 2/4/2026 **ANALYST:** Gygi

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
NMCD	No fiscal impact	At least \$28.2	At least \$39.8	At least \$68.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Administrative Office of the Courts
Administrative Office of the District Attorneys
Law Offices of the Public Defenders
New Mexico Attorney General
New Mexico Sentencing Commission

SUMMARY

Synopsis of House Bill 58

House Bill 58 (HB58) amends Section 30-20-12 NMSA 1978 (Use of Telephone, Terrify, Intimidate, Threaten, Harass, Annoy or Offend) by broadening the statute to include all electronic communications. The bill defines electronic communication as “(a) a wire line, cable, wireless or cellular telephone call; (b) a social media post; (c) a text message; or (d) an instant message or electronic mail.” “Social media” is defined as “a website or internet medium that: (a) permits a person to become a registered user, establish an account or create a profile for the purpose of allowing the person to create, share or view user-generated content through users' accounts or profiles; (b) enables one or more than one user to generate content that can be viewed by other users of the medium; and (c) primarily serves as a medium for users to interact with content generated by other users of the medium.”

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

This is a regulatory bill and is not expected to impact most state agencies although the new provisions could result in limited increased caseloads for the courts, district attorneys, and public defenders. The creation of any new crime could increase the population of New Mexico's prisons and jails, consequently increasing long-term costs to state and county general funds and impacting the New Mexico Corrections Department (NMCD). Longer sentences are expected to result in fewer releases relative to admissions, driving up overall populations.

For its 2025 analysis of the similar House Bill 287, LFC staff calculated the average cost to incarcerate a single inmate in FY24 was \$56.7 thousand; however, due to the high fixed costs of the state's prison facilities and administrative overhead, LFC estimates a marginal cost (the cost for each additional inmate) of \$28.2 thousand per year across all facilities. This analysis assumes at least one person will be convicted under the expanded definition in HB58 and reports the associated costs for incarceration.

SIGNIFICANT ISSUES

HB58 seeks to modernize statute to align it with current available electronic communications. This amendment will allow for better protection for victims of harassing contact through technologies and platforms, including text messages, social media posts, or electronic mail. The existing crime of the use of a telephone to terrify, intimidate, threaten, harass, annoy, or offend is a fourth-degree felony in state law, which carries the basic sentence of 18 months imprisonment.

The New Mexico Sentencing Commission reports that Section 30-20-12 is not a statute that often results in a conviction. In FY25 there were 20 cases disposed with Section 30-20-12 as the lead offense. One (5 percent) of those disposed cases led to a conviction and 19 (95 percent) resulted in a dismissal. Should this category be broadened to the specified electronic communication media, the Law Offices of the Public Defender (LOPD) notes, "This bill may call for an increase in expertise in digital forensics, i.e., the recovery, investigation, and analysis of material found in digital devices, requiring training on the staff in the criminal justice system."

Further, in its analysis of last year's similar House Bill 287, LOPD pointed out that some of the behavior sanctioned by this bill may be covered by existing laws (assault, harassment, and stalking, for example). As such, the universe of cases covered by HB58 that would not have been covered by existing law is likely small.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB58 is almost identical to the House Judiciary Committee substitute for House Bill 287 introduced in 2025.

TECHNICAL ISSUES

The Sentencing Commission points to two different sections of existing state law in the criminal code that inconsistently define "harassment" with different criminal classifications. One says the use of a telephone to terrify, intimidate, threaten, harass, annoy, or offend is a fourth-degree felony with a basic sentence of 18 months imprisonment (Section 30-20-12 NMSA 1978);

whereas, another section says harassment is a misdemeanor with a potential sentence of between six months to one year imprisonment (Section 30-3A-2 NMSA 1978).

KG/sgs/hg/sgs