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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 102

SHORT TITLE: "Search & Rescue Dog" definition

SPONSOR: Sen. Brandt/Rep. Cullen

LAST UPDATE: _____ **ORIGINAL DATE:** 2/6/2026 **ANALYST:** Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

| Agency/Program | FY26 | FY27 | FY28 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|---|------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------|
| Public Safety and Law and Fire Agencies | No fiscal impact | Indeterminate but minimal | Indeterminate but minimal | Indeterminate but minimal | Recurring | General Fund |
| Corrections Department | No fiscal impact | **At least \$56.0 | **At least \$56.0 | **At least \$112.0 | Recurring | General Fund |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

**Costs are per prison inmate

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

NM Department of Homeland Security and Emergency Management

Administrative Office of the Courts

Department of Public Safety

New Mexico Sentencing Commission

New Mexico Office of the Public Defender

New Mexico Office of the District Attorneys

New Mexico Attorney General

SUMMARY

Synopsis of Senate Bill 102

Senate Bill 102 (SB102) amends Section 30-18-13 NMSA 1978 to extend protections for “search-and-rescue dogs” alongside police dogs, police horses, and fire dogs. The bill elevates and extends criminal penalties for injuring these animals while working from a petty misdemeanor to a third-degree felony and, if injuries result in disablement or death, from a fourth-degree felony to a second-degree felony. A convicted person may also be ordered to pay veterinary bills and animal replacement costs and fines up to \$5,000 or \$10 thousand, depending on felony conviction.

The bill also amends Section 31-18-15 NMSA 1978 (sentencing guidelines) that add, if convicted of a third-degree felony for injuring an animal in this protected group, up to five years

imprisonment, and if injuries result in the disablement or death of that animal, up to 15 years imprisonment.

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

The increased penalties include felony charges and allow for restitution for veterinary or animal replacement costs. This may deter interference with rescue operations, disaster responses, and missing-person searches, which are costly for agencies to prepare for and conduct successfully.

The Administrative Office of the Courts does not believe the bill has a fiscal or administrative impact on the courts. The district attorneys and public defenders, however, see a potential fiscal impact, depending on actions initiated, and the New Mexico Corrections Department may see higher costs from longer prison sentences. Generally, agencies do not believe incarceration is a deterrent to crime. The average cost to incarcerate in the state prison system is \$153.08 per day.

SIGNIFICANT ISSUES

The bill recognizes the role of search-and-rescue dogs in the state's public safety and emergency response operations. The proposed amendment defines a "search-and-rescue" dog as one owned, or in the service of, a fire agency or law enforcement or corrections agency, to locate missing persons. According to the New Mexico Attorney General, it is possible that identical mistreatment toward police and search-and-rescue dogs from volunteer organizations not being used by law enforcement (or by other public safety agencies) might result in different criminal exposure.

Existing provisions in this statute define injuries to these working animals as those that are willful, with intent, and include striking, beating, kicking, cutting, stabbing, shooting, or poisoning.

Public safety agencies in general support this legislation because the bill addresses a gap left by the 2019 Search and Rescue Act. Furthermore, the protections for search-and-rescue dogs only cover the animal while it is performing official, authorized duties and would not extend to circumstances in which the dog is not activated or operating outside the scope of a law enforcement operation.

As these agencies explained, police dogs, police horses, fire dogs, and search-and-rescue dogs track suspects, detect explosives or drugs, conduct search-and-rescue, and perform other similar services. Injury to these highly trained animals interferes with emergency response and law enforcement functions, resulting in a community-wide impact. When an animal is injured or killed, agencies lose years of operational capability, without a quick replacement option, agencies say. The training, care, and maintenance of these animals requires a significant financial investment.

PERFORMANCE IMPLICATIONS

SB102 would increase the penalty for causing an animal injury or pain from a petty misdemeanor (up to six months in jail or a fine) to a third-degree felony (punishable by up to three years in prison) with a special five-year basic sentence. Second, it would increase the penalty for causing an animal serious injury, death, or destruction (euthanized) from a fourth-degree felony (punishable by up to 18 months in prison) to a second-degree felony (punishable by up to nine years in prison) with a special 15-year basic sentence. The New Mexico Sentencing Commission recommends against adding special felony basic sentences that fall outside the state's normal felony structure.

ALTERNATIVES

Law Offices of the Public Defender suggests deleting penalty increases in Sections 1 and 2. In the department's opinion, increases may also be sought under Section 31-18-15.1 (aggravating circumstances) and courts may also order victim restitution under Section 31-17-1 NMSA 1978.

AHO/hg/sgs