

<b>LFC Requester:</b>	<b>Austin Davidson</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      X      **Amendment**    \_\_\_\_\_  
**Correctio**    \_\_\_\_\_    **Substitute**    \_\_\_\_\_  
**n**    \_\_\_\_\_    \_\_\_\_\_

**Date Prepared:**      1/16/24    
**Bill No:**      HB 45  

**Sponso**      William “Bill “Rehm  
**r:**      Harlan Vincent  

**Agency Name**      305 – New Mexico  
**and Code**      Department of  
**Number:**      Justice  

**Person**      AAG Brian Moffatt  
**Writing**    \_\_\_\_\_

**Sh**      Embezzlement  
**ort**      for Another’s  
**Tit**      Use    
**le:**    \_\_\_\_\_

**Analysi**      -    
**s:**    \_\_\_\_\_

**Phone:**      505-537-7676  

**Email:**      legisfir@nmag.gov  

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriati on		Recurring or Nonrecurring	Fun d Affect ed
FY 24	FY 25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurri ng or Nonrecurri ng	Fun d Affect ed
FY 24	FY 25	FY 26		

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(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

Would add “or another’s” use to existing definition of Embezzlement:  
“embezzling or converting to the person’s own or another’s use anything of value, with fraudulent intent to deprive the owner thereof.”

Essentially, expands the definition of “embezzlement” to criminalize the fraudulent conversion of an owner’s valuable property for the use of anyone, and not just the perpetrator’s use.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

None noted.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

At this time, there appear to be no other bills on this topic in the 2024 Regular Session. A bill in the 2023 Regular Session on a different section of the Embezzlement statute was not enacted.

**TECHNICAL ISSUES**

None noted.

## **OTHER SUBSTANTIVE ISSUES**

This bill is not remedial in nature, as there are no reported cases where embezzlement charges have been rejected because the beneficiary of the crime is someone other than the perpetrator.

## **ALTERNATIVES**

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

Status Quo

## **AMENDMENTS**