

LFC Requester:	Austin Davidson
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 01/16/2024
Bill No: HB69

Sponsor: Mark Duncan & Harlan Vincent
Short Crime and Organized
Title: Residential Theft

Agency Name and Code
Number: 770-NMCD
Person Writing Anisa Griego-Quintana
Phone: 505-479-2296 **Email** anisa.griego-quinta@cd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	Minimal	Minimal	Minimal	Recurring	General

(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: HB 69 would create and define the felony crime of organized residential theft and establishes penalties based on the value of property stolen.

Organized residential theft consists of acting in concert with one or more persons to steal personal property from more than one residence or from a single residence on two or more occasions. The degrees of the crime and penalties are as follows, based on the total retail value of personal property stolen within a 365-day period:

- Fourth degree felony, when the value of the stolen property is more than \$500 but not more than \$2500
- Third degree felony when the value is more than \$2500 but not more than \$20,000
- Second degree felony when the value is more than \$20,000.

A person charged with committing this crime shall not be charged with separate or additional offenses arising from the same action or occurrence.

DEFINITIONS:

- “personal property” means chattels of any type or description, including letters, packages or parcels distributed by mail or other means
- “residence” includes a dwelling, the curtilage of a dwelling (area of land immediately surrounding a house and enclosed with it, including auxiliary structures), and shared spaces in a multifamily dwelling.

FISCAL IMPLICATIONS

The department’s financial implications would rely on the outcomes of prosecutions and convictions, potentially leading to a rise in individuals convicted of felonies. Depending on their sentences, this could subsequently increase the prison population or those placed on community supervision. The average cost per inmate for the department, based on calculations from FY23 expenditures, is around \$57,103 a year or roughly \$156 per day. In comparison, the average cost to oversee an individual on community supervision is approximately \$6,108. The overall cost increase to the department as a result of this legislation is expected to be minimal.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None proposed by the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None proposed by the Corrections Department.