

LFC Requester:**Rachel Mercer-Garcia**

**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}*

<i>Check all that apply:</i>				Date Prepared:	1/16/2024
Original	X	Amendment		Bill No:	HB80
Correction		Substitute			

Sponsor:	John Block	Agency Name and Code Number:	305 – New Mexico Department of Justice
Short Title:	Crimes against Public Service Workers	Person Writing Analysis:	Peter Valencia
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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						

(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:

HB 80 proposes to create several new crimes that pertain to violent acts committed against public service workers. Public service workers are generally defined as employees of the children, youth and families department (CYFD). Essentially, HB 80 seeks to enhance the sentencing classification for the crimes of assault, aggravated assault, battery, and aggravated battery when those crimes are committed against a CYFD employee engaged in the performance of their duties.

The language used in HB 80 largely matches the language in the corresponding assault and battery statutes. However, there is one exception. Under the existing aggravated battery statute, a person may be charged when the battery is committed with a deadly weapon regardless of the resulting injury to the victim. In contrast, aggravated battery upon a public service requires not only the offender use a deadly weapon, but also the additional requirement that great bodily harm is inflicted on the public service worker.

Crimes committed against a public service worker would be enhanced as follows. The crime of assault would be enhanced from a petty misdemeanor to a full misdemeanor. The crime of aggravated assault would be enhanced from a fourth degree felony to a third degree felony. The crime of battery would be enhanced from a petty misdemeanor to a full misdemeanor. The crime of aggravated battery would be enhanced from a full misdemeanor to a fourth degree felony when the battery causes painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body to the public service worker. The crime of aggravated battery would be enhanced from a third degree felony to a second degree felony when the battery is committed with a deadly weapon and inflicts great bodily harm against the public service worker, or when the battery is committed in any manner whereby great bodily harm or death can be inflicted.

HB 80 also proposes to create a fourth degree criminal penalty for those offenders which are guilty of either conspiring or subject to accessory to criminal liability with another to commit an assault or battery against a public service worker.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Paragraph G of HB 80 would lower the potential penalties of some offenders. This paragraph limits criminal liability of conspirators and criminal accessories to a fourth degree felony. Currently, under 30-1-13 NMSA 1978, a “person charged as an accessory is equally as culpable as the primary offender and is subject to the same punishment.” State v. Vargas, 2016-NMCA-038, ¶ 33, 368 P.3d 1232, 1242. Therefore, HB 80 would actually lower the criminal penalty, from a second degree to a fourth degree felony, for an accessory of an aggravated battery when the crime is committed against a public safety worker. Similarly, paragraph G would also lower the potential penalty for a conspirator of an aggravated battery against a public safety worker from a third degree felony to a fourth degree felony.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS