

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**Analysis.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 Jan 18

Bill No: HB080

Sponsor: Rep Block  
Short Crimes Against Public Service  
Title: Workers

Agency Name  
and Code CYFD / 690

Number: \_\_\_\_\_

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**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		

(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**

**BILL SUMMARY**

Synopsis: This bill creates a new section of the criminal code establishing the crimes of Assault and Aggravated Assault Against a Public Service Worker and Battery and Aggravated Battery Against a Public Service Worker as separate and distinct from existing criminal offenses (NMSA 1978 §30-3-1, 2, 4, and 5) and creating the crimes of Accessory to Commit Assault or Battery Against a Public Service Worker and Conspiracy to Commit Assault or Battery Against a Public Service Worker. The bill further establishes increased penalties for these crimes, bringing them in line with offenses against school personnel and health care workers (NMSA 1978 §30-3-9, 9.2).

The bill defines Public Service Workers as employees of the CYFD, who are employed by either the protective services division or juvenile justice division and who work directly with children. The bill specifically includes child protection investigators, family services workers, client service workers, permanency planning workers, placement workers, foster care workers, adoption workers, social workers, in-home services workers, youth transition coordinators, case workers, juvenile probation officers or family-centered mediators, or any supervisors of any of those, or any person authorized to transport clients for CYFD in the definition.

**FISCAL IMPLICATIONS**

None for CYFD.

**SIGNIFICANT ISSUES**

This bill aligns the criminal penalties for assault or battery against most, but not all, CYFD workers, with the penalties for offenses against school personnel and health care workers.

However, there are issues related to trauma responses that particularly affect children in state custody and CYFD-operated juvenile detention facilities which should be considered. These issues include brain development, language acquisition, developmental delays, intellectual and/or cognitive impairments, and unmet behavioral and/or mental health needs. This bill may negatively impact the trauma responsive approach that CYFD currently uses by increasing criminal penalties for behavior that results from trauma.

**PERFORMANCE IMPLICATIONS**

CYFD has performance measures concerning workforce retention. As this bill addresses safety concerns among CYFD staff who work closely with children and their families, increased protections for CYFD employees resulting from this bill can result in improved retention.

CYFD also has performance measures concerning the safety and well-being of children, which could be negatively affected by an increased criminal penalization of behaviors that are symptomatic of an individual who has experienced trauma due to abuse and/or neglect which could impair CYFD's ability to engage with children, youth, and families in a trauma responsive manner.

#### **ADMINISTRATIVE IMPLICATIONS**

None identified.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None identified.

#### **TECHNICAL ISSUES**

None identified.

#### **OTHER SUBSTANTIVE ISSUES**

None identified.

#### **ALTERNATIVES**

None proposed.

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

Status quo.

#### **AMENDMENTS**

CYFD proposes the following amendments for clarification:

Page 2, paragraph (2), line 9 – recommend a clarification this is not an exhaustive list (allowing for changes in job roles and titles over time) by adding amending to “includes but is not limited to”. The beginning of the definition (ll. 6-7) states it is limited personnel that “work directly with children and families” and the list should be read as examples within that broader definition.

Page 2, paragraph (2), lines 7-8 – recommend deleting “in either the protective services division or juvenile justice division.” This would broaden the definition to include any staff in other divisions or units, such as behavioral health, preventive services, and office of tribal affairs, that meet the remainder of the definition (“work directly with children and families”).

Page 2, paragraph (2), line 11 - the term “permanency planning worker” should be changed to “permanency coordinator.”