

LFC Requester: _____

**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** _____
Correction _____ **Substitute** _____

Date Prepared: 01/27/24

Bill No: HB 235

Sponsor: Debra Sarinana, Daniel
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**Agency Name and
Code Number:** 305 – New Mexico
Department of Justice

**Short
Title:** DEPT. OF DEFENSE
RECOMMENDED
CHANGES

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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:

House Bill (“HB”) 235 contains both new statutory language and amended statutory language in relation to several provisions governing military personnel.

Regarding licensure and oversight, HB 235 would exempt any program certified as a family childcare provider by a branch of the United States department of defense from licensure requirements under state law. Further, a member of the armed forces or a member’s spouse that has a covered professional license from another state would have their license recognized reciprocally upon relocation to New Mexico, provided their existing license is in good standing.

HB 235 would amend NMSA 1978, Section 19-2-2, to clarify that any notice of intention to acquire or relinquish jurisdiction over United States Lands shall be filed with the Governor. Additionally, Section 19-2-2 is amended to state that upon request of the United States, the State shall establish concurrent jurisdiction over a military installation in matters relating to violations of law by a child within the military installation's boundaries. To the extent such a relinquishment of concurrent jurisdiction is made by the United States under Section 19-2-2, HB 235 also amends Section 32A-1-8 of the Children’s Code to clarify that “the [state] court has jurisdiction over any case involving an act that is a violation of law allegedly committed by a child within the boundaries of a military installation.”

HB 235 would amend several statutory provisions governing councils and committees to include within their memberships “a member of the armed forces or state defense force, a spouse of a member of the armed forces or state defense force or veteran.” This amendment applies to (1) the Behavioral Health Planning Council, (2) the Next Generation Council, (3) the Governor’s Commission on Disability, and (4) County DWI Planning Councils.

Finally, HB 235 would amend numerous military-related statutes to include “space force” within sections where branches of the military are listed.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

Authority of the Federal Government to relinquish jurisdiction over juvenile delinquents exists under the Federal Juvenile Delinquency Act. 18 U.S.C.A. §§ 5031-42. For additional information regarding application of concurrent jurisdiction under the Federal Juvenile Delinquency Act can be reviewed in the linked Congressional Research Service Report: <https://www.everycrsreport.com/reports/RL30822.html> (May 9, 2023).

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

No major implications noted, however, The Children Youth and Families Department and the Administrative Offices of the Court may need to be consulted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None noted.

AMENDMENTS

None noted.