

LFC Requestor: LFC Contractor

2024 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 0012

Type: Introduced

Date (of THIS analysis): 01/22/2024

Sponsor(s): Antoinette Sedillo Lopez

Short Title: Rename Family Violence Protection Act

LFC Requester: Emily Hilla

Reviewing Agency: Agency 665 - Department of Health

Person Writing Analysis: Arya Lamb

Phone Number: 505-470-4141

e-Mail: arya.lamb@doh.nm.gov

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 24	FY 25		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 24	FY 25	FY 26		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 24	FY 25	FY 26	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: none

Conflicts with: none

Companion to: none

Relates to: HB0027 – Extreme Risk Protection Order Changes

Duplicates/Relates to an Appropriation in the General Appropriation Act: none

## Section IV: Narrative

### 1. BILL SUMMARY

#### a) Synopsis

Senate Bill 12 (SB12) would amend the Family Violence Protection Act, established in 1993. Key changes include:

- Renaming the Family Violence Protection Act to the Protection Against Abuse and Violence
- Expanding definitions of abuse and defining credible threat
- Adding animals and minors to protected parties
- Creating accessibility for minors to petition for orders of protection at age thirteen
- Providing translation or interpretation services to petitioners
- Removing “mutual” order of protection
- Allowing law enforcement to request an emergency order of protection via new modes of electronic or digital means in addition to written and oral
- Adding that the court shall not order the protected party to participate treatment or counseling related to abuse
- Changing the possible length of orders and child custody provisions for protection

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

#### b) Significant Issues

Page 42: Lines 1-8, sections (a) and (b) are about firearm(s) in the restrained party’s possession at the time of the order and during the term of the order. There is no mention of existing NM law Extreme Risk Firearm Protection Order Act (ERFPO), that was established in 2020 with SB5. There are similarities between both Acts and both Acts have proposed legislation for changes to existing Acts in this session.

Joy Garratt and Christine Chandler sponsored HB27 Extreme Risk Firearm Protection Order Changes and Antoinette Sedillo Lopez sponsored SB12 for 2024 session. These sponsors may want to collaborate on proposed changes and align proposals for implications to law enforcement and the courts.

For example, SB12 expands law enforcement petitions to be conducted by electronic and digital communication means, however HB27 does not.

While HB27 defines the order of protection for exactly 365 days, SB12 leaves the time period of order up to the discretion of the court.

Page 48: Lines 18-25 & Page 49: Lines 1-5 create a change to replace an order of protection being set for a fixed period of time “not to exceed six months” to a fixed period of time “of any length” giving the court authority to determine “the period of time appropriate to protect the safety of the protected party.” This allows the court to determine the length of time, yet may unintentionally deter alleged victims from coming forward due to lack of clarification about time frame that could be set.

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?  
 Yes  No
- Is this proposal related to the NMDOH Strategic Plan?  Yes  No
  - Goal 1:** We expand equitable access to services for all New Mexicans
  - Goal 2:** We ensure safety in New Mexico healthcare environments
  - Goal 3:** We improve health status for all New Mexicans
  - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

## 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?  
 Yes  No  N/A
- If there is an appropriation, is it included in the LFC Budget Request?  
 Yes  No  N/A
- Does this bill have a fiscal impact on NMDOH?  Yes  No

## 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

## 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

SB0012 shares a relationship to HB0027 – Extreme Risk Protection Order Changes.

## 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

Page 31: Line 24 & 25 deleted “(3) does not mean the use of force in self-defense or the defense of another:” and no new definition was provided. This may be problematic because if this is taken out and no new definition is provided, an alleged victim’s use of force as an act of defense might result in the alleged victim being charged in some manner for an act of violence/abuse, when in fact, it was an act of defense.

## 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No

- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No

## **8. DISPARITIES ISSUES**

Since Hispanic populations, primarily women and children, are disproportionately affected by domestic violence ([Domestic Violence Trends in New Mexico, 2015-2019, NMDOH](#)), this bill would potentially improve access to services for people who Hispanic and are limited English speakers.

## **9. HEALTH IMPACT(S)**

The Family Violence Protection Act was already passed. SB12 proposes to strengthen the Act by expanding and clarifying definitions of abuse, easing the petition process to include electronic or digital means, and expediting the issuance of orders. This could provide greater health impacts, primarily reduced violence, for affected populations.

## **10. ALTERNATIVES**

None

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

If SB12 is not enacted, then the Family Violence Protection Act will not change.

## **12. AMENDMENTS**

None