

LFC Requester:	Scott Sanchez
-----------------------	----------------------

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 January 19, 2024
Bill No: SB 66

Sponsor: Sen. Craig W. Brandt
Short Title: Penalty for Shooting Threat

Agency Name and Code AOC
Number: 218
Person Writing Charlene Romero
Phone: 505-577-4253 **Email** aoccar@nmcourts.gov

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

BILL SUMMARY

Synopsis: Senate Bill 66 amends Section 30-20-16 NMSA 1978 to create the crime of swatting, sets the penalty for swatting as a fourth degree felony and increase the penalty for making a shooting threat from a misdemeanor to a fourth degree felony.

SB 66 defines swatting as “knowingly making a false or misleading report of an ongoing emergency or threat of violence to a public safety agency or agency personnel or to a public safety answering point, with the intent to cause an immediate response from law enforcement and other first responders.”

As with the existing crimes of making a bomb scare or shooting threat under Section 30-20-16 NMSA 1978, SB 66 provides for the court to require a person convicted of the offense of swatting to “reimburse the victim of the offense for economic harm caused by the offense.”

SB 66 amends the definition of economic harm by adding swatting to the existing offenses of making a bomb scare or shooting threat when determining economic harm.

SB 66 also creates the following new definitions:

1. “public safety agency” means a public body that provides firefighting, law enforcement, ambulance, medical or other emergency services
2. “public safety answering point” means a twenty-four-hour local jurisdiction communications facility that receives 911 calls.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase. More trials will require additional resources including judge time, court staff time, and courtroom availability, and will increase the time required to dispose of cases.

SIGNIFICANT ISSUES

Swatting and shooting threats for schools are often perpetrated by juveniles. SB 66 makes both of these violations fourth degree felonies, thus exposing juveniles to felony offenses.

CNN recently reported that while swatting started as pranks committed by video gamers, law enforcement analysts have noted that the motivations behind swatting incidents have expanded to include personal or societal grievances, disrupting operations at schools and places of business, diverting law enforcement resources from other crimes and financial gain. As evidence of the change in motivation behind swatting incidents, the victims of recent incidents include Judge Tanya Chutkan, the federal judge presiding over the election subversion case against former President Donald Trump, and the White House. (See <https://www.cnn.com/2024/01/14/us/swatting-incidents-trend-explained/index.html>)

Swatting incidents have increased nationwide and at times have resulted in serious consequences for both law enforcement officers responding to these calls as well as the victims of the hoax calls. According to a NBC News report on June 29, 2023, nine college campuses nationwide experienced swatting incidents in one week in April 2023. In 2017, a victim of swatting was shot by a law enforcement officer after a group of online gamers called 911 to report that a man at his home had shot his father and was threatening to set the home on fire. The victim exited his home when law enforcement responded to the call but dropped his hands as he was exiting his home and was shot. As a result of the increased incidents, and in an effort to combat these incidents, the FBI has created a national online database to track these incidents and facilitate sharing information regarding swatting incidents between law enforcement agencies nationwide. (See <https://www.nbcnews.com/news/us-news/fbi-formed-national-database-track-prevent-swatting-rcna91722>)

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

There may be an administrative impact on the courts as the result of an increase in caseload and/or in the amount of time necessary to dispose of cases.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS