

LFC Requester:

Scott Sanchez

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: 1/18/24

Bill No: SB66

Sponsor: Craig W. Brandt

Short Title: Penalty For Shooting Threat

Agency Name and Code Number: 305 – New Mexico Department of Justice

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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: SB 66 would amend existing NMSA 1978 Section 30-20-16 to add the crime of “swatting” – or knowingly making a false report with intent to cause an immediate emergency response – a fourth degree felony offense. The proposal would add a definition of swatting, as well as definitions for “public safety agency” and “public safety answering point.” A person convicted of swatting could be order by a court to reimburse the victim for the economic harm of the person’s unlawful actions, including wages lost and overhead costs for shutting down.

In addition, SB 66 would elevate the penalty for making a shooting threat from a misdemeanor to a fourth degree felony.

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

As it reads now, the definition of swatting could be misinterpreted to mean that the report is regarding a “an ongoing emergency or threat of violence to a public safety agency or agency personnel or to a public safety answering point”. Essentially, that the threat of violence is being made towards the public safety agency rather than that the individual is making a report to the public safety agency regarding an ongoing emergency or threat of violence.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

None at this time

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A