

<b>LFC Requester:</b>	<b>Marty Daly</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

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

**AgencyAnalysis.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** 01/24/2024

**Bill No:** SB102

**Sponsor:** Craig W. Brandt  
**Short Title:** Racketeering Act Changes

**Agency Name and Code Number:** 770 – NMCD  
**Person Writing** Anisa Griego-Quintana  
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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		
0	0	0	N/A	N/A

(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>	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General

(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**

The bill proposes to amend the Racketeering Act by updating the language of the statute, incorporating “criminal gang” as an enumerated type of enterprise, and making it a first degree felony for leaders within an enterprise to finance, supervise or conspire to commit racketeering activity and a third degree felony to solicit or coerce another, including a minor, into joining or participating in racketeering activity of an enterprise.

If passed, the bill would add to the definition of racketeering the types of crimes notably engaged in by criminal enterprises, including sexual exploitation of children, criminal sexual penetration and contact, dog and cockfighting, escape from jail and penitentiary and assisting escape, bringing contraband into jail or prison, tampering with public records, impersonating a peace office, and the trafficking of humans.

**FISCAL IMPLICATIONS**

Depending on successful prosecutions and sentences involving prison terms, the agency’s expenses could increase with the current average annual cost per inmate at \$57,103.

**SIGNIFICANT ISSUES**

None for the Corrections Department.

**PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

**ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for the Corrections Department.

**TECHNICAL ISSUES**

None for the Corrections Department.

### **OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

### **ALTERNATIVES**

None proposed by the Corrections Department.

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

Status quo.

### **AMENDMENTS**

Considering the numerous legal and common variations of the term “gang”, a more inclusive definition of “criminal gang” as “three or more persons having a common identifying name, sign, symbol, tattoo, style of dress, use of hand signs, or an identifiable leadership and who continuously or regularly associate in the commission of criminal activities” could provide additional clarity.