

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.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 27 JAN 24

Bill No: SB 195

Sponsor: George Munoz, Michael Padilla  
Short  
Title:

Agency Name  
and Code

790- Department of Public Safety

Number:

Person Writing

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A
NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A
NFI	NFI	NFI	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>	NFI	NFI	NFI	NFI	N/A	N/A

(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**

SB 195 would strengthen New Mexico’s Burglary statute by making it a fourth-degree felony for a person to enter a retail establishment with the intent to commit any felony or theft therein, when the person has previously been notified that they are not authorized to enter the establishment.

**FISCAL IMPLICATIONS**

No fiscal implications to DPS.

**SIGNIFICANT ISSUES**

SB 195 addresses the serious and growing problem of crime against New Mexico’s retailers. Albuquerque is now tied with Miami and Denver for the 8<sup>th</sup> most impacted city in the nation by retail theft and fraud. SB 195 directly confronts retail crime by enhancing the penalty for repeat offenders. It also provides legislative direction discussed in *State v. Baca*, 2014-NMCA-087, and *State v. Archuleta*, 2015-NMCA-037, appellate cases that underscored the lack of clarity in New Mexico’s Burglary statute in circumstances of repeat retail crime (NMSA 1978, Section 30-16-3). DPS believes this amendment will enhance public safety and will support other critical efforts to curtail the epidemic of retail crime affecting or state’s businesses and communities.

**PERFORMANCE IMPLICATIONS**

No performance implications to DPS.

**ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship, or relationship issues to DPS

**TECHNICAL ISSUES**

No technical issues to DPS.

**OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

**ALTERNATIVES**

None.

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

Status quo.

**AMENDMENTS**

No amendments.