

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/25/2025

Check all that apply:

Bill Number: SB 70

Original

Correction

Amendment

Substitute

Sponsor: Sen. Craig W. Brandt

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

Person Writing

Short Title: ADD RACKETEERING
CRIMES

Analysis: AAG Tyler Sciara

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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:

Original: Senate Bill (“SB”) 70 proposes to amend Chapter 30, Article 42 NMSA 1978 (the “Racketeering Act”) by (a) providing two new prohibited actions, described below, (b) by expanding the definition of an “enterprise” to include criminal gangs, and (c) by expanding the definition of racketeering activity by making 11 additional criminal statutes applicable to racketeering charges.

SB 70 would prohibit individuals from soliciting or coercing another person into becoming or continuing as a member of an enterprise or into participating in the racketeering activity of an enterprise. A violation of this subsection would be a third-degree felony.

SB 70 would also prohibit individuals in leadership positions of an enterprise to knowingly finance, supervise, or conspire to commit racketeering activity through directing members of the enterprise to do so. A violation of this subsection would be a first-degree felony.

A “criminal gang” is defined as three or more persons who continuously or regularly associate in the commission of criminal activities, having either (a) a common identifying sign or symbol, or (b) an identifiable leadership.

Finally, SB 70 would expand the definition of racketeering to include sexual exploitation of children, criminal sexual penetration, criminal sexual contact, dog fighting and cockfighting, escape from jail, escape from penitentiary, assisting escape, bringing contraband into places of imprisonment, tampering with public records, impersonating a peace officer, and human trafficking.

SB 70 does not indicate an effective date; as a result, the default effective date would be June 20, 2025.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The addition of human trafficking to the definition of racketeering is partially duplicative of both HB 86 and SB 74. Those bills, among other things, also propose to amend the Racketeering Act in this manner.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A