

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: 3 FEB 2025 *Check all that apply:*
Bill Number: SB 228 Original Correction
 Amendment Substitute

Sponsor: George Munoz **Agency Name and Code** 790 – Department of Public Safety
Short Title: Felony for Certain Thefts **Number:** _____
Person Writing Emmanuel Gutierrez
Phone: 505-917-2952 **Email:** emmanuel.gutierrez@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NF	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Identical to 2024 SB195
 Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

This bill makes it a crime punishable as a fourth-degree felony to enter a retail establishment “with the intent to commit any felony or theft” after previously receiving notice that the person in question is not authorized to enter the store.

FISCAL IMPLICATIONS

None to DPS.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

SB 228 addresses the serious and growing problem of crime against New Mexico’s retailers. In 2023, Albuquerque was tied with Miami and Denver as the 8th most impacted city in the nation by retail theft and fraud. SB 228 directly confronts retail crime by enhancing the penalty for repeat offenders.

Commercial burglary used to be prosecuted in New Mexico, but after holdings in *State v. Baca*, 2014-NMCA-087, and *State v. Archuleta*, 2015-NMCA-037, the practice largely stopped so that the statute could be fixed. These appellate cases 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 be the legislative fix necessary to enforce the law and enhance public safety, and will support other critical efforts to curtail the epidemic of retail crime affecting our state’s businesses and communities.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None.