

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: February 12, 2025 Check all that apply:
Bill Number: Senate Bill 331 Original Correction
 Amendment Substitute

	Agency Name and Code
Sponsor: <u>Sen. Antoinette Sedillo Lopez & Crystal Brantley</u>	Number: <u>AOC 218</u>
Short Title: <u>Domestic Violence Programs & Probation</u>	Person Writing: <u>Patricia M. Galindo</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None	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	N/A	N/A	N/A	N/A	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

Synopsis: Senate Bill 331 requires a defendant to participate and complete a domestic violence offender treatment or intervention program if convicted of six new criminal offenses involving domestic violence. This bill also allows the court to impose any sentence the court could originally impose, and not allowing credit for time served on probation, as long as the combined period of incarceration and probation does not exceed the maximum period of incarceration for the sentence that was suspended or deferred.

SB 331 does not contain an effective date and would be effective on June 20, 2025, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury costs. These additional costs are not capable of quantification.

There will be a minimal administrative cost for the statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Currently there are three criminal offenses that require a judge to order a defendant to participate and complete in a domestic violence offender treatment or intervention program. These three crimes are: battery against a household member (§30-3-15 NMSA 1978), aggravated battery against a household member (§30-3-16 NMSA 1978), and stalking (§30-3A-3 NMSA 1978). SB 331 would require a judge to order a defendant to participate and complete a domestic violence offender treatment or intervention program for these additional criminal charges:

- Assault Against a Household Member (§30-3-12 NMSA 1978)
- Aggravated Assault Against a Household Member (§30-3-13 NMSA 1978)
- Assault Against a Household Member with Intent to Commit a Violent Felony (§30-3-14 NMSA 1978)
- Multiple Convictions of Battery or Aggravated Battery (§30-3-17 NMSA 1978)
- Criminal Damage to Property of Household Member (§30-3-18 NMSA 1978)
- Violation of an Order of Protection (§40-13-6 NMSA 1978)

Section 31-12-12 NMSA 1978 creates the domestic violence offender treatment or intervention fund and defines the components of the program. In 2023, Section 31-12-11 NMSA 1978 was repealed. The children, youth and families department is responsible for ensuring programs

comply with statutory requirements.

Section 31-12-12(D)(8) NMSA 1978 requires the domestic violence offender treatment or intervention program be at least fifty-two weeks in duration. For this reason, the period of probation for the misdemeanor offenses of battery against a household member (§30-3-15(D) NMSA 1978) and aggravated battery against a household member (§30-3-16(E) NMSA 1978) is “extended beyond three hundred and sixty-four days but may not exceed two years” to allow a defendant sufficient time to register and successfully complete the program.

SB 331 does not extend the period of probation for the new criminal charges that are misdemeanor offenses (assault against a household member, criminal damage to property under \$1,000, and violation of an order of protection) which would not provide the defendant with sufficient time to successfully complete the full 52-week program.

Finally, SB 331 requires judges to order defendants charged with any of the four new felony offenses (aggravated assault against a household member, assault against a household member with intent to commit a violent felony, multiple convictions of battery or aggravated battery, and criminal damage to property of household member over \$1,000) to participate and successfully complete a domestic violence offender treatment or intervention program.

Mandating convicted felons to participate in the treatment/intervention program with first time domestic violence offenders may have the unintended consequence of exposing offenders to individuals who are much more violent and/or have a significant history of perpetrating domestic violence. In addition, if a defendant is convicted of these felony offenses and is sentenced to incarceration, the defendant would not be able to participate and successfully complete a domestic violence offender treatment or intervention program approved by CYFD since none of these programs currently exist in the corrections system.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS - none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP - none identified.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES - none identified.

ALTERNATIVES - none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – none.

AMENDMENTS – none.