

LFC Requester:

**AGENCY BILL ANALYSIS
2026 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 1/20/2026

Bill No: HB 39-280

**Agency Name
and Code**

Number: LOPD-280

Person Writing Joelle N. Gonzales

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Sponsor: Kathleen Cates
Short
Title: Crime of Ticket Scalping

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 Expenditure 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

BILL SUMMARY

Synopsis: HB 39 seeks to amend Section 30-46-1, the crime of misdemeanor ticket scalping, to include selling tickets to events presented by the state or its political subdivisions or by formally recognized 501(c)(3) nonprofit corporations. The current law only punishes scalping tickets to college athletic events.

FISCAL IMPLICATIONS

HB 39 essentially adds three new ways to commit the misdemeanor crime of ticket scalping. If aggressively enforced, this could result in an increase in caseloads, which would impact the New Mexico Public Defender Department [hereinafter LOPD]. However, it is difficult to predict the impact on LOPD due to the creation of a new crime insofar as no statistics exist to suggest how much the behavior presently occurs, how much would continue, and how much would be prosecuted. It is important to remember that indigent criminal defense is a constitutionally mandated right, and that LOPD does not control the decision to charge or the number of resultant cases assigned to the agency. Barring some other way to reduce indigent defense workload, any increase in the number of prosecutions would bring a concomitant need for an increase in indigent defense funding in order to keep the LOPD's workload crisis from spreading.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None known.

TECHNICAL ISSUES

Analyst is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill and analyst is unaware that it has been drawn pursuant to a special message of the Governor.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.