

AGENCY BILL ANALYSIS - 2026 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:** January 20, 2025*Check all that apply:***Bill Number:** HB 60Original Correction **Sponsor:** Rep. Nicole Chavez, Rep.Andrea Reeb, and Rep.William A. Hall IIAmendment Substitute **Short Title:** REVISE CERTAIN CRIMINAL OFFENSE DEFINITIONS**Agency Name and Code Number:** 305 – New Mexico Department of Justice**Person Writing**
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Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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: HB 60 would amend the Victims of Crime Act to add four additional criminal offenses to the Act. Each of the four offenses are crimes against peace officers. This bill would also amend the definition of negligent arson for the purposes of the Act to align it with the statutory definition of negligent arson. HB 60 would also make minor, non-substantive edits to definitions of other criminal offenses

Section 1: This bill would add to and change portions of Section 31-26-3(B) NMSA 1978, which contains the list of criminal offenses covered by the Victims of Crimes Act. Proposed changes to these offenses are listed below.

Negligent Arson

The first change would edit the definition of negligent arson to align with Paragraph (1) of Section 30-17-5(G)(1) NMSA 1978, which is the statutory definition of negligent arson within New Mexico criminal offenses. Presently, the Act references “negligent arson resulting in death or bodily injury, as provided in Subsection B of Section 30-17-5 NMSA 1978[.]” However, Subsection B of Section 30-17-5 addresses arson causing damage less than \$250 and defines it as a petty misdemeanor.

Voluntary Manslaughter

The next change in HB 60 would edit Section 31-26-3 (B)(8) to include a reference to Subsection A of Section 30-2-3 NMSA 1978, which contains the statutory definition of voluntary manslaughter within New Mexico criminal offenses.

Involuntary Manslaughter

Next, HB 60 would edit Section 31-26-3 (B)(9) to include a reference to Subsection B of Section 30-2-3 NMSA 1978, which contains the statutory definition of involuntary manslaughter within New Mexico criminal offenses.

Abandonment or Abuse of a Child

HB 60 would add the language “of a child” to Section 31-26-3(B)(16) to specify that the offense defined in that subsection refers to abandonment *of a child* as well as abuse of a child.

Battery Against a Household Member

HB 60 would delete the word “or” after the semicolon at the end of Section 31-26-3(B)(20), as the bill seeks to add additional criminal offenses after Subsection (B)(21).

Proposed Added Criminal Offenses

HB 60 would add the following criminal offenses to those covered by Section 31-26-3(B): Aggravated assault upon a peace officer (Section 30-22-22 NMSA); Assault with intent to commit a violent felony upon a peace officer (Section 30-22-23 NMSA); Battery upon a peace officer (Section 30-22-24 NMSA); and Aggravated battery upon a peace officer (Section 30-22-25 NMSA 1978).

FISCAL IMPLICATIONS

By adding these four additional criminal offenses, this bill would add peace officers to the victims covered by the Victims of Crime Act. This may have the effect of increasing victim notification and tracking obligations for the Special Prosecutions and Victim Services Bureaus within NMDOJ, which may necessitate more personnel resources.

SIGNIFICANT ISSUES – N/A

PERFORMANCE IMPLICATIONS

See discussion under Fiscal Implications, *supra*.

ADMINISTRATIVE IMPLICATIONS

See discussion under Fiscal Implications, *supra*.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship: This bill is related to HB 61, Aggravated Battery on a Peace Officer. HB 61 would elevate the offense of aggravated battery on a peace officer from a third to a second-degree felony.

TECHNICAL ISSUES – N/A

OTHER SUBSTANTIVE ISSUES – N/A

ALTERNATIVES – N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – Status Quo

AMENDMENTS – N/A