

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto: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:** January 21, 2026*Check all that apply:***Bill Number:** HB 61Original ☒ Correction ☐Amendment ☐ Substitute ☐**Agency Name  
and Code****Sponsor:** Reeb, Hall, Chavez**Number:** NM Sentencing Commission – 354**Short** Aggravated Battery on Police**Person Writing** Keri Thiel**Title:** Officer**Phone:** 505-259-8763 **Email** kthiel@unm.edu**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring<br>or Nonrecurring | Fund<br>Affected |
|---------------|------|------------------------------|------------------|
| FY26          | FY27 |                              |                  |
|               |      |                              |                  |
|               |      |                              |                  |

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring<br>or<br>Nonrecurring | Fund<br>Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY26              | FY27 | FY28 |                                 |                  |
|                   |      |      |                                 |                  |
|                   |      |      |                                 |                  |

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | FY26 | FY27 | FY28 | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| <b>Total</b> |      |      |      |                      |                              |                  |

(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 61 would amend Section 30-22-25 NMSA 1978 to increase the felony level for aggravated battery upon a peace officer from a third degree felony to a second degree felony when the battery inflicts great bodily harm or is done with a deadly weapon or in any manner that could inflict great bodily harm or death.

HB 61 would also make minor changes to the phrasing of the existing law, adding “A” before “Peace Officer” in the title of the Section, replacing the pronoun “he” with “the officer” in Paragraph A, and correcting “which” to “that” in Paragraph B.

The changes proposed in HB 61 would be effective July 1, 2026.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

Aggravated battery upon a peace officer is currently a third degree felony if the battery causes great bodily harm or is done with a deadly weapon or in any manner that could inflict great bodily harm or death. The basic sentence of imprisonment for a third degree felony is three years. HB 61 proposes to increase that penalty to a second degree felony, which carries a basic sentence of imprisonment of nine years.

In FY 2024, the latest year for which data is currently available to the Sentencing Commission, 99 cases were filed in which aggravated battery upon a peace officer was the lead offense. There were 11 convictions for aggravated battery upon a peace officer that year. As of June 30, 2024, at the close of FY 2024, 19 people were incarcerated in NM prisons for a lead offense of aggravated battery upon a peace officer. Their average expected length of stay was 4.5 years, and their median expected length of stay was 2.6. These numbers include anticipated earned meritorious deductions.

It is difficult to determine what the effect of passing HB 61 would be on the state’s prison population, but its increased penalty for aggravated battery upon a peace officer would likely lead to longer periods of incarceration for individuals convicted of that offense. The average cost to incarcerate someone in the state’s prison system is \$153.08/day; this average includes private and public facilities.

Aggravated battery upon a peace officer is also a lesser included offense of assault with intent to commit a violent felony upon a peace officer (Section 30-22-23 NMSA 1978). See *State v. Bojorquez*, 1975-NMCA-075, available at:

<https://nmonesource.com/nmos/nmca/en/item/383942/index.do>. Assault with intent to commit a violent felony upon a peace officer is a second degree felony. If HB 61 is enacted, the penalty for the lesser included offense, aggravated battery upon a peace officer, would potentially be the same as the penalty for the greater offense, assault with intent to commit a violent felony upon a peace officer.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**