

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 Feb. 3, 2026
Bill No: HB 260-280

Sponsor: Randall T. Pettigrew, John Block
Crime of False Statement to
Short Title: Legislature

Agency Name and Code LOPD-280
Number: _____

Person Writing: Steven J. Forsberg
Email Steven.forsberg@lopdm.us

Phone: 505-796-4405 : _____

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: The bill would make it a crime to knowingly “make a false statement” to the legislature, including standing and interim committees, when the person making the false statement “has been requested to testify,” even if not under oath or affirmation of penalty of perjury. The crime would not apply to members of the public speaking during a “designated period for public comment.” The bill states that a “member of the legislature who heard the testimony may refer to the district attorney of the district in which the false material statement was made.” The crime created by the bill would be a fourth-degree felony (punishable by up to 18 months in prison).

FISCAL IMPLICATIONS

Probably minimal for the public defender. To begin with, it is assumed that most people called to testify before the legislature do not qualify for the public defender. Secondly, it is uncertain how often (if at all) the crime would be prosecuted.

SIGNIFICANT ISSUES

New Mexico’s perjury statute already covers false statements to the Legislature *if made under oath* and if the statement is “material to the issue or matter” at hand. *See* NMSA 1978, § 30-25-1 (“Perjury consists of making a false statement under oath, affirmation or penalty of perjury, material to the issue or matter involved in the course of any judicial, administrative, **legislative** or other official proceeding or matter, knowing such statement to be untrue.”) (emphasis added). It is a fourth-degree felony when material and sworn.

“To constitute perjury, it is essential that an oath be administered.” *Offenses Against Administration of Justice and Government*, § 41:5. Necessity of oath, 3 Wharton’s Criminal Law § 41:5 (16th ed.) (Sep. 2025 update). The proposed felony, however, would apply to anyone who “has been requested to testify” (not subpoenaed or legally obligated to appear) and without any oath or affirmation and regardless of whether the false statement is material. When not under oath, criminalizing speech, even false speech presents significant First Amendment concerns, and is wholly inconsistent with notions of criminalizing false statements, which focus on those that affirmatively interfere with the administration of justice or government functions. Without any such limitations, this crime is open to constitutional challenge.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

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

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. Perjury law will continue to criminalize false material, sworn statements to the Legislature.

AMENDMENTS

None.