

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 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: 2 February 2026

Check all that apply:

Bill Number: HB 260Original Correction Amendment Substitute Sponsor: PettigrewShort Title: Crime of False Statement toLegislatureAgency Name
and Code

Number:

New Mexico Sentencing
Commission (354)

Person Writing

Douglas CarverPhone: 505-239-8362Email dhmcarver@unm.edu**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

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

BILL SUMMARY

Synopsis:

HB 260 creates a new crime, making a false material statement to the legislature. The penalty would be a fourth degree felony. Making a false material statement to the legislature consists of a person making a statement that the person knows to be untrue in a proceeding before the legislature, including a hearing of a standing or interim committee of the legislature, to the issue or matter of which the person making the statement has been requested to testify, regardless of whether the statement is made under oath, affirmation or penalty of perjury. The crime would not obtain for public comment. A legislator could recommend prosecution to the District Attorney in the district where the false material statement was made.

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

HB 260 seems to have be an analogue to Section 1001 of Title 18 of the United States Code. As noted by the Congressional Research Service report “False Statements and Perjury: An Abridged Overview of Federal Criminal Law” (available at: <https://www.congress.gov/crs-product/98-807>):

Section 1001 of Title 18 of the United States Code, the general false statement statute, outlaws material false statements in matters within the jurisdiction of a federal agency or department. It reaches false statements in federal courts and federal grand jury sessions as well as congressional hearings and administrative matters but not the statements of advocates or parties in court proceedings. Under § 1001, a statement is a crime if it is false, regardless of whether it is made under oath.

The Federal crime has a penalty exposure of up to five years imprisonment for most cases, and a fine.

New Mexico has a crime for making a false report of a crime to law enforcement, Section 30-39-1 NMSA 1978; the penalty for that crime is a misdemeanor. The penalty in the proposed crime in HB260 is the same as the penalty in New Mexico’s perjury statute, Section 30-25-1, a fourth degree felony.

It is difficult to determine what the effect of passing HB 58 would be on the state’s prison population. It is unlikely that there would be many charges under such a statute, and even fewer that would involve serving time incarcerated. The average per day cost to incarcerate someone in the state’s prison system is \$153.08/day; this average includes private and public facilities.

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