

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 01/27/2026

Bill No: SB 74-280

Sponsor: Senator Craig W. Brandt

Agency Name
and Code LOPD-280
Number: _____

Person Writing Mark A. Peralta-Silva

Short
Title: Cockfighting Penalties

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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 Expenditure 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: This bill makes changes to our dog fighting and cockfighting statute, Section 30-18-9. Specifically, it makes it a crime to be present at a cockfight unless you attempt to interfere or stop the fight. Further, it elevates all cockfighting crimes under the statute to fourth-degree felonies.

As Section 30-18-9 currently exists, it is not a crime to be present at a cockfight. The statute currently criminalizes knowingly “being present at a **dog** fight without attempting to interfere with or stop the contest” but only more participatory acts are criminalized for cockfighting. The bill adds cockfighting to this presence crime and thereby would make it illegal to be present at a cockfight “without attempting to interfere with or stop the contest.” The current statute does criminalize knowingly “owning or equipping one of the participating...cocks with knowledge of [a] contest.” § 30-18-9(A)(2). The statute also criminalizes the training, equipping, or sponsoring of a cock “for the purpose of having it participate” in a fight for monetary gain or entertainment. § 30-18-9(B). The new language would likely capture any spectator at a cockfighting contest.

The bill also removes a tiered penalty structure for offenses involving cocks, raising all violations to a felony level. Under the current version of Section 30-18-9, a first conviction is a petty misdemeanor, a second conviction is a misdemeanor, and third or subsequent convictions are fourth-degree felonies. The bill eliminates the tiered conviction structure and instead makes any offense of the statute a fourth-degree felony; all offenses related to dogs are already fourth-degree felonies.

FISCAL IMPLICATIONS

It is unlikely this bill would have a significant fiscal impact on the LOPD because cockfighting is rarely prosecuted. But any time a new felony is being created—which would happen both with the proposed crime of knowingly being present at a cockfighting contest and making all cock-related offenses fourth-degree felonies—there is the possibility of increased fiscal demands because the prospect of a felony penalty requires the appointment of an attorney capable of handling felony cases.

SIGNIFICANT ISSUES

Knowingly being present is not typically sufficient for criminal felony liability as an accessory to another person's criminal behavior. *See State v. Torres*, 2018-NMSC-013, ¶ 44, 413 P.3d 467 (“A defendant’s mere presence without some outward manifestation of approval is insufficient to uphold a conviction on a theory of accessory liability.”) (cleaned up). Without requiring a mental culpability of approval (by cheering or placing bets on the contest), felonizing mere presence is an outlier in criminal law. Recognizing this is current law for dog fighting, Analyst cautions against expanding the concept to additional felony crimes.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Reviewer 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.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS