

Duplicates/Conflicts with/Companion to/Relates to: SB80, SB90
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 85 amends Section 32A-4-3 NMSA 1978, by requiring law enforcement, when investigating a report of abuse and neglect, to notify a designated authority at the military installation where the person alleged to have committed the act of abuse and neglect is assigned. The bill also amends portions of the Family Violence Protection Act by requiring the clerk of the court to send a copy of an order of protection involving a member of the United States military to a designated authority for the military installation where that person is assigned. Senate Bill 85 mandates a memorandum of understanding between local law enforcement and a designated authority for each military installation in the state.

Senate Bill 85 also amends Section 40-13-3 NMSA 1978 by requiring the courts to authorize the remote appearance by digital or telephonic means for all parties if requested.

Senate Bill 85 does not contain an effective date and would be effective on May 20, 2026, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The New Mexico Judiciary has rules dedicated to the use of remote appearances for court hearings. Remote appearances are encouraged when possible, but allows for judicial discretion when remote hearings are not feasible. This bill removes the ability of the judge to restrict remote appearances and enter an order for an in person hearing when the court determines that in person appearances are in the best interest of justice.

The military has a reporting system in place under the Defense Department Family Advocacy Program. This reporting system is driven by the decisions of the survivor of domestic abuse, who can choose to file either a restricted or unrestricted report of domestic abuse. The National Crime Victim Law Institute states, "It is important to understand what level of privacy protection can be afforded to a victim with whom one works and to communicate that BEFORE the victim shares any information." This can help a survivor feel more informed about what could happen if certain information is disclosed. (<https://ywcaspokane.org/barriers-to-reporting-dv/>) This bill, if enacted into law, would remove the ability of the survivor of domestic abuse to choose the action they want to take based on their individual circumstances.

The bill as written will require every local law enforcement in the state to enter into a

memorandum of understanding with all military installations in the state. This would include the bases in Albuquerque, Clovis, Alamogordo, and White Sands in addition to each of the National Guard and Reserve armories in the state. This would not include military bases, National Guard/Reserve armories in Texas, Colorado and Arizona. New Mexico residents often commute to and from bases and armories that are close to the border.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS – none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP – none identified.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES – none identified.

ALTERNATIVES – none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS – none.