

LFC Requester:	
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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: 1-27-26 *Check all that apply:*
Bill Number: SB-90 Original Correction
 Amendment Substitute

Sponsor: Antoinette Sedillo Lopez **Agency Name and Code** AODA 264
Short Title: "Credible Threat" Definition **Number:** _____
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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

Senate Bill 90 amends the Family Violence Protection Act to define the term “credible threat” for purposes of determining when a court must order firearm surrender as part of a domestic violence order of protection. The bill clarifies that a credible threat exists when a reasonable person, considering the totality of the circumstances, would fear for their physical safety or the safety of another, and that such a threat may be shown through statements, acts, or a course of conduct and does not require the use or threatened use of a firearm.

The bill reorganizes Section 40-13-5 NMSA 1978 for clarity, separating the firearm-related provisions into their own subsection and making conforming amendments to improve readability. SB 90 does not expand the scope of who may be restrained or when firearm dispossession is required; it codifies standards already applied by courts.

FISCAL IMPLICATIONS

Senate Bill 90 would not likely create and measurable fiscal impact.

SIGNIFICANT ISSUES

Senate Bill 90 does not materially change the statute already in place. Largely it defines “credible threat” which may result in more consistency finding made by courts through the state. The other changes clean up language in the interest of clarity.

One area that does not materially change the current law or application is the language this bill removes regarding the court granting sole possession of a residence. This bill removes the language stating that the sole possession a residence ordered pursuant to the statute extends “during the period the order of protection is effective”. While the law requires that the duration of that provision of an order end when the order expires, litigants may not understand that. This could lead to unnecessary confusion that would not occur if the language remained as is.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status Quo
AMENDMENTS