

LFC Requester:	
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**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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{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 January 27, 2026
Bill No: SB 102-280

Sponsor: Craig W. Brandt
Short Title: Search and Rescue Dog Definition

Agency Name and Code Number: 280 LOPD
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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: In New Mexico’s crimes against animals statutes, Section 30-18-13 punishes *Injury to a police dog, police horse or fire dog and harassment of a police dog, police horse or fire dog*. SB 102 seeks to add *Search and Rescue Dogs*, and its definition, to this statute.

Specifically, SB 102 seeks to amend Section 30-18-13 NMSA (Injury to a police dog or horse), adding Search and Rescue Dogs as a protected entity, and increase the existing penalties. It also seeks to amend Section 31-18-15, the statute setting basic sentences for felony degrees, by adding new “special” felony degrees specific to crimes committed under the amended Section 30-18-13, setting higher basic sentences and fines for a special third and second-degree felony for injury to these protected animals.

With these amendments to two statutes, SB 102 would increase the penalty for causing an animal minor physical injury or pain from a petty misdemeanor (punishable by no more than months in jail or a fine) to a third-degree felony (normally punishable by up to three years in prison) with a special five-year basic sentence. Second, it would increase the penalty for causing the animal serious physical injury or death or directly causing the destruction of the animal from a fourth-degree felony (punishable by up to eighteen months in prison) to a second-degree felony (normally punishable by up to nine years in prison) with a special fifteen-year basic sentence.

FISCAL IMPLICATIONS

SB 102 raises a petty misdemeanor crime to a special third-degree felony punishable by up to five years in prison. It also raises a fourth-degree felony to a special second-degree felony punishable by up to fifteen years in prison. It is difficult to predict the number of cases of this sort that would be brought in any given year, although it does not appear they are charged with any regularity. The dramatic proposed increase in the penalty for many charges is extreme and higher-penalty cases are more likely to go to trial and require more experienced attorney representation. If more higher-penalty trials occur as a result of SB 102, LOPD may need to hire more trial attorneys with greater experience to absorb the additional high-level felonies that may result. Accurate prediction of the fiscal impact would be impossible to speculate; assessment of the required resources would be necessary after the implementation of the proposed higher-penalty scheme.

Presumably the courts and DAs would be affected in similar measure to LOPD, and given the increases in sentence, the proposed legislation would also have a fiscal impact on NMCD because the offender would be incarcerated for additional years under the bill, where an offender who would currently serve up to six months in a county jail would now be serving up to five years in a state prison.

SIGNIFICANT ISSUES

Increasing penalties is not a deterrent. Punishment has been one of the preferred methods to address damaging and unwanted behavior. However, decades of empirical work about the effects of punishment (including incarceration and capital punishment) on violent crime actually show that there is no conclusive evidence that stricter punishment deters criminal conduct. The research finds that the certainty of punishment is more important than its severity, and that punishment only deters if there is a threshold level of certainty of getting caught and punished. And it's not just violent crime. A large review of the empirical work comes to a similar conclusion for corporate misconduct: there is no conclusive evidence that punishment deters corporate crime.

The substantial escalation in punishment, suggests a mismatch between the penalty and the conduct this bill seeks to prevent. To elevate a rarely charged cruelty to animal charge to a possible second-degree felony, this bill is imposing penalties typically reserved for far more serious conduct and unlikely to prevent harm to animals.

Also, most people and organizations do not have a proper understanding of how the law is enforced, and thus there is a large discrepancy between objective and subjective deterrence, meaning that how the law is enforced in reality is not how it is experienced and understood by norm addressees. These insights have three implications for enforcement practice and for compliance systems that use sanctions: focus more on detecting violations than on stronger sanctions, communicate about law enforcement and surveillance work, and keep in mind that relying on tougher punishment alone is destined to fail. https://wp.nyu.edu/compliance_enforcement/2021/12/28/the-behavioral-code-four-behavioral-science-insights-for-compliance-and-enforcement/.

Generally, incarceration is not a deterrent to committing a crime, and even the death penalty has not been proven to deter criminal activity. See *Five Things About Deterrence*, Nat'l Inst. of Justice (May 2016) <https://www.ojp.gov/pdffiles1/nij/247350.pdf>. In fact, time behind bars can increase the likelihood that someone will commit another crime in the future. See Jamie Santa Cruz, *Rethinking Prison as a Deterrent to Future Crime*, JSTOR Daily (July 18, 2022) <https://daily.jstor.org/rethinking-prison-as-a-deterrent-to-future-crime/#:~:text=In%202021%2C%20a%20much%20larger,that%20didn't%20involve%20imprisonment.>

PERFORMANCE IMPLICATIONS

See Fiscal Implications.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None known.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

Solely add search and rescue dogs to the statute. Delete Section 2 of the bill and both penalty increases in Section 1. Penalty increases can already be sought under Section 31-18-15.1 and the courts could order restitution under NMSA § 31-17-1.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None noted.