

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 01/26/2025

Check all that apply:

Bill Number: SB 102

Original Correction
Amendment Substitute

Sponsor: Sen. Craig W. Brandt

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: “Search & Rescue Dog” Definition

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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 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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: SB 102 adds search-and-rescue (“SAR”) dogs to the class of protected animals; substantially elevates criminal penalties for injuring or killing police dogs, police horses, or SAR dogs; and amends the sentencing statute to impose enhanced second- and third-degree felony sentences.

Section 1 amends NMSA 1978, Section 30-18-13 (1999), to add search-and-rescue dogs to the class of protected animals and defines a SAR dog as one that is owned by, or whose services are employed by, a law enforcement agency, fire department, or corrections agency for the purpose of aiding in the detection or location of a person. The section substantially increases the criminal penalties applicable to injury of protected animals by elevating offenses involving police dogs, police horses, and SAR dogs from a petty misdemeanor to a third-degree felony when the conduct results in minor physical injury to the animal, and from a fourth-degree felony to a second-degree felony when the conduct causes serious physical injury, death, or destruction of the animal.

Section 2 amends NMSA 1978, Section 31-18-15 (2025) to integrate these enhanced offenses into the sentencing framework by establishing a specialized five-year basic sentence for a third-degree felony conviction and a basic sentence of fifteen years’ imprisonment for a second-degree felony conviction. The section also specifies corresponding fine amounts, authorizing a fine of up to ten thousand dollars for a second-degree felony conviction and up to five thousand dollars for a third-degree felony conviction (which are the standard fines for those degree offenses).

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

There are two potential issues: disproportionality of sentencing and differential treatment based on affiliation.

Disproportionality:

A 2nd-degree conviction under the amended statute would result in a 15-year sentence, as opposed to, for example, sexual exploitation of children which is a 12-year sentence, or armed robbery which is a 9-year sentence. *See* NMSA 1978, § 30-16-2 (1973); NMSA 1978, § 31-18-15(A) (2025); NMSA 1978, § 30-6A-3 (2016); NMSA 1978, § 31-18-15(A) (2025).

A 3rd-degree conviction for “minor physical pain” to a police dog, police horse, or SAR dog would result in 5-year sentence, as compared to other criminal offenses, e.g., aggravated battery to a human with “painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body” which would result in a 364-day penalty because it is a misdemeanor. *See* NMSA 1978, § 30-3-5(B) (1969); NMSA 1978, § 31-19-1(A) (1984).

Differential treatment:

The statute, as written, protects police dogs and horses that are “used” by law enforcement. The amendment would include SAR dogs that are owned or “employed” by law enforcement. It is possible that identical treatment towards police dogs and SAR dogs from volunteer-only organizations *not* being used by law enforcement might result in dramatically different criminal exposure.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A