

LFC Requester:

Scott Sanchez

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: 27 January 2026

Check all that apply:

Bill Number: SB 102Original Correction Amendment Substitute Sponsor: BrandtShort "Search and Rescue Dog"Title: DefinitionAgency Name
and CodeNew Mexico Sentencing
Commission (354)

Number:

Person Writing

Douglas CarverPhone: 505-239-8362Email dhmcarver@unm.edu**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	\$451	Nonrecurring	

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

Synopsis:

SB 102 amends Section 30-18-13 NMSA 1978, regarding injury or harassment of a police dog, police horse, or fire dog, by adding search-and-rescue dogs to the statute. “Search-and-rescue dog” is defined as “a dog that is owned, or the service of which is employed, by a fire department, a law enforcement agency, a corrections agency, a special fire district or the state fire marshal for the purpose of aiding in detection or location of a person.”

In addition to incorporating search-and-rescue dogs into the statute, SB 102 also increases the penalties in the statute. The penalty for injury of one of the animals defined in the statute is increased from a petty misdemeanor to a third degree felony; the penalty for an injury that causes the animal serious physical injury or death or directly causes the destruction of the animal is increased from a fourth degree felony to a second degree felony. Additionally, special penalties are included for both of these crimes by amendments to the felony classification statute, Section 31-18-15 NMSA 1978. The injury penalty has a special third degree basic sentence of five years; the serious injury penalty has a special second degree felony of 15 years.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

In 2021, the New Mexico Sentencing Commission engaged the services of the Robina Institute of Criminal Law and Criminal Justice at the University of Minnesota to analyze the state’s Criminal Code for its strengths and weaknesses. One item of concern for the Robina Institute was that the Criminal Code has a number of special statutes that fall out of the normal penalty structure in the state. SB 102 would add additional special penalties into the Criminal Code through its addition of a special basic sentence for a third degree felony of five years, and a special basic sentence for a second degree felony of 15 years. The Sentencing Commission recommends against adding additional special felony basic sentences that fall outside of the normal felony structure.

As shown in the tables below, there are very few cases filed for Section 30-18-13 NMSC 1978 as a lead offense. The few cases referencing that statute that are in the electronic records often have a higher-level charge.

As a Lead Offense

Lead offense statute	Case filed date	FY	Adjudication
30-18-13	11/14/2025	2025	not disposed

30-18-13	10/5/2023	2024	lower down, charge dismissed
30-18-13	7/20/2022	2023	lower down, case dismissed
30-18-13	5/5/2021	2021	Conviction
30-18-13	1/4/2021	2021	Dismissed
30-18-13	6/15/2017	2017	acquittal

In FY24, there were two other cases disposed in addition to the case filed 10/5/23 (above). They include a lower down charge of Section 30-18-13.

Statute of Interest	Disposition Date	Adjudication
30-18-13	3/13/2024	lower down charge, conviction
30-18-13	10/21/2024	lower down charge, charge dismissed

It is difficult to determine what the effect of passing SB 102 would be on the state's prison population, for though the cases are few, the escalation of the penalties is significant. The average per day cost to incarcerate someone in the state's prison system is \$153.08/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS