

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**  
**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
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**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** Jan. 27, 2026 *Check all that apply:*  
**Bill Number:** SB 146 Original  Correction   
 Amendment  Substitute

**Sponsor:** George Munoz **Agency Name and Code** RMD/GSD  
**Short Title:** Civil Rights Act Claim Changes **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0	\$0	N/A	PLF

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0	\$0	\$0	Recurring	PLF

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0	Indeterminate	Indeterminate	Indeterminate	Recurring	PLF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/**Relates to:** NMSA § 41-4A-1, et seq. (NM Civil Rights Act)

Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: This bill would amend the NM Civil Rights Act (“NMCRA”) as follows:

- Change the legal standard from “acts or omissions” to “act or the deliberate indifference”;
- Explicitly bar double-recovery under both NM Civil Rights Act and the NM Tort Claims Act for the same occurrence
- Create a defense/exception of qualified immunity when the implicated public body/bodies “had an objectively good faith belief that the conduct at issue did not violate the law”;
- Amend the limitation on recovery by eliminating the current CPI-adjusted cap of \$2.45 million per occurrence per claimant and replacing it with the same statutory limits included in the Tort Claims Act; explicitly bars exemplary or punitive damages or interest prior to judgment;
- Reduces the statute of limitations for claims made pursuant to the NM Civil Rights Act from three (3) years to two (2) years;
- Expand the notice requirement by requiring notice of any/all civil rights claims be given within ninety (90) days of the occurrence giving rise to the claim and providing that a claim shall not be maintained if notice is not given as directed with limited exceptions. (Under the current version of the NMCRA, claimants need only give notice of claims against a certified law enforcement officer, and the allowable time for giving such notice is one year.)

#### **FISCAL IMPLICATIONS**

A lower recovery cap associated with NMCRA claims will result in fewer shock losses to the Public Liability Fund administered by GSD.

**Deliberate Indifference Standard (vs. “Omissions”)**--The statute as currently written is silent as to the legal standard applicable to NMCRA claims. This uncertainty has led to increased litigation and settlement costs because the parties do not know whether a court will hold the state to the federal “deliberate indifference” standard or to a lower negligence or strict liability standard. This proposed clarification as articulated in Senate Bill 146 will serve to reduce litigation costs and further reduce monetary valuations of claims brought under the NMCRA.

**Bar against Double Recovery under NMCRA and NMTCA**--Barring double-recovery under state law would serve to reduce the ultimate settlement or judgment amount to a single recovery and would serve to reduce costs associated with litigating the double-recovery issue and help reduce frivolous claims.

**Good-Faith Exception/Defense**--This provision will serve to reduce the perceived monetary value of claims where the claimant has suffered a deprivation of rights, but where the state employee or state agency had a good-faith belief that the conduct was lawful.

**Limitation on Recovery**--This proposed provision would have the greatest cost-savings benefit. Reducing the limitation on damages for civil rights claims rooted in the NMCRA would substantially reduce the monetary value of civil rights claims because the current CPI-adjusted statutory recovery limit is \$2.45 million (subject to further annual increases tied to the consumer price index).

**Two-Year Statute of Limitations**--This proposed amendment would reduce the time a claimant has to file a complaint under the NMCRA from three (3) years to two (2) years. Shortening the deadline in which a claimant has to file a lawsuit would serve to reduce the total number of lawsuits that are ultimately brought against the state under the CRA, but the extent of the reduction in civil rights claim frequency is unknown.

## **SIGNIFICANT ISSUES**

Under the current version of the CRA, claimants need only give notice of claims against a certified law enforcement officer, and the allowable time for giving such notice is one year.

Currently, the legal standard applied to NMCRA claims is unknown because of the way the statute is drafted, the body of federal civil rights case law, and the fact that the NMCRA is relatively untested in NM State Courts.

Currently, it is unclear whether claimants can recover from the state for civil rights violations under the NMTCA, the NMCRA, and federal civil rights legislation (i.e., § 1983).

**90-day Notice Requirement**--This serves three (3) important functions:

- i. Enables the public body to preserve evidence associated with the claim and prepare a possible defense;
- ii. Provides the public body the opportunity to reduce the likelihood of recurrence of the allegedly unlawful conduct; and
- iii. Serves to reduce the total number of actionable claims received by the state by imposing a reasonable notice requirement.

## **PERFORMANCE IMPLICATIONS**

SB 146 is likely to significantly reduce the burden of defending civil rights actions given the rising number of civil rights claims and the higher legal standard that applies to federal civil rights claims.

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Failure to enact this bill, particularly the limitations on recoveries, will result in continuing increases in costs associated with litigating/defending and settling/paying judgments on claims brought pursuant to the NM Civil Rights Act.

## **AMENDMENTS**