

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

**AGENCY BILL ANALYSIS  
2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** Feb. 6, 2026  
**Bill No:** SB 259-280

**m.Sponsor:** William E. Sharer, Crystal Brantley

**Agency Name and Code Number:** LOPD-280

**Short Title:** CREATE NEW THREATS AGAINST LAW ENFORCEMENT

**Person Writing:** Steven J. Forsberg  
**Email:** [Steven.forsberg@lopdm.us](mailto:Steven.forsberg@lopdm.us)  
**Phone:** 505-796-4405

**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)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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:

The Bill would create two new crimes: Threatening a law enforcement officer or an immediate family member of a law enforcement officer, and Malicious sharing of personal information of a law enforcement officer or an immediate family member of a law enforcement officer.

The former would be a fourth-degree felony (punishable by 18 months in prison) and the latter would be a misdemeanor (punishable by up to 365 days in jail).

Both crimes define “law enforcement officer” and “immediate family member.” The malicious sharing crime defines “personal information” as “a person’s physical address, phone number, email, or physical location.” The crimes would apply to violators who “with the intent to” 1) cause harm, 2) place in fear of great bodily harm, and 3) ”prevent or interrupt the...ability to carry out...job duties.”

**FISCAL IMPLICATIONS**

Creation of any new crime is likely to create new prosecutions and, therefore, additional clients for LOPD. Because this bill contains some criminal conduct that is not currently defined, it is difficult to anticipate how many charges would result from the passage of SB 259. However, the bill’s broad language might encompass a wide array of conduct that is generally considered not prosecutable. For example, drunken or belligerent threats made to police officers are a routine occurrence and might now be charged as felonies. Similarly, any publication of “personal information” might lead to misdemeanor charges (the language encompasses the media).

The bill requires threats and the dissemination of personal information be made “with intent,” but intent is easy to charge even though it can be hard to prove. It is important to note that LOPD represents people *charged* with crimes, and a crime that can be commonly charged significantly increases workload even if few of those charges result in conviction. Any increase in prosecutions brings an attendant increase in need for resources to maintain compliance with constitutional mandates.

## **SIGNIFICANT ISSUES**

Notably, threatening *anyone* in a manner that places them in fear of an imminent battery is already petty misdemeanor assault under NMSA 1978, Section 30-3-1. However, SB 259 would include no requirement of imminence nor a person's reasonable fear.

Both crimes could implicate significant first amendment litigation. The bill does not attempt to distinguish "true" threats or "reasonable fear" and could be argued to chill humor and political commentary, particularly as it is not limited to direct threats but also apparently covers implicit threats. The bill's definition of "personal information" encompasses information that is often publicly available and might be argued to chill some media. The crime does not exclude information that is otherwise publicly or widely available, as many officers have their email address on a business card.

The bill specifically applies to "local, state, federal or tribal law enforcement officer[s]." It is unclear how the bill's coverage of federal law enforcement would interact with ongoing controversies involving federal immigration enforcement (for example, reporting on locations of ICE agents). Federal law enforcement and family members are already protected by federal laws (for example 18 U.S. Code section 115 "Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member.").

## **PERFORMANCE IMPLICATIONS**

**None.**

## **ADMINISTRATIVE IMPLICATIONS**

**None.**

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

**None.**

## **TECHNICAL ISSUES**

Analyst is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill and analyst is unaware that it has been drawn pursuant to a special message of the Governor.

## **OTHER SUBSTANTIVE ISSUES**

**None.**

## **ALTERNATIVES**

**None.**

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

Status quo.

## **AMENDMENTS**

**None.**