

LFC Requester:**Scott Sanchez**

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.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 19JAN2024

Bill No: HB 56

Sponsor: Cathrynn N. Brown, Randall T. Pettigrew, Harlan Vincent
Short Title: Clarify Crime of Trespass

Agency Name and Code 790-Department of Public Safety
Number: _____
Person Writing Robert Alguire
Phone: 575-518-8788 **Email** RobertJ.Alguire@dps.nm.g

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(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

Amends the Criminal Code to clarify that trespass includes persons who knowingly enter without prior permission or remain on the lands of another knowing that the owner or lawful occupant or custodian of the lands did not provide or withdrew permission to enter or remain. Increases penalty for trespass. Makes other minor language cleanup changes.

A person who commits criminal trespass is guilty of a fourth-degree felony (up from a misdemeanor) and shall be sentenced in accord with Sec. 31-18-15 (New Mexico Sentencing Act). In connection with hunting, fishing, or trapping activity, the existing penalty remains intact (revocation of person’s hunting or fishing license).

The crime level for a person who knowingly removes, tampers with or destroys a trespass sign is likewise increased from a misdemeanor to a fourth-degree felony and shall be subject to imprisonment for a definite term of “no less” than 18 months (up from a term less than one year) and a fine not more than \$1,000 (monetary fine same as in current law)—at the discretion of the judge (as in current law).

FISCAL IMPLICATIONS

No fiscal impact on DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.