

LFC Requester:

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**AGENCY BILL ANALYSIS
2024 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 1/18/2024

Bill No: HB80

Sponsor: John Block
Short Title: Crimes Against Public Service Workers

Agency Name and Code 218 AOC
Number: _____
Person Writing Aaron Holloman
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
-0-	-0-		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
-0-	-0-	-0-		

(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			

(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 creates a new set of criminal penalties for assault, battery, aggravated assault, aggravated battery, and accessory to commit or conspire to commit assault and battery against a public worker for Children Youth and Families Department, increasing the penalties over the general statutes.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this new law and increased prosecutions commenced than would have been pursued under current general assault and battery law. HB 44 makes prosecution more complex in that if a victim is a CYFD employee, a determination must be made as to whether the case comes under the general assault and battery statutes or under the more specific crimes established in HB 44, with related increased appeals. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional personnel and resources to handle the increase.

SIGNIFICANT ISSUES

HB 44 provides enhanced penalties for assaulting CYFD employees, since currently those employees are covered under the general statutes governing assault and battery. A CYFD worker's core functions often necessarily include intervention into highly emotional, antagonistic, and often violent circumstances which may occur without the presence of law enforcement. Higher, specific penalties applicable to violence against CYFD workers may act as a deterrent generally, but it is also important to note that children may often be the ones charged under this statute. Children are less likely to be deterred by higher penalties as they are often completely unaware.

This statute is similar to three other New Mexico statutes that criminalize assault and battery based on the victim: school officials, NMSA 1978, § 30-3-9, sports officials, NMSA 1978, § 30-3-9.1, and health care workers, NMSA 1978, § 30-3-9.2.

At least one other state has an analogous statute, Louisiana Sec. 14:35-1 criminalizes battery against a child welfare or adult protective services worker.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in cases disposed of as a percentage of cases filed and percentage change in case filings by type.

ADMINISTRATIVE IMPLICATIONS

See “Significant Issues,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

The proposed new section also generally tracks the language set out for the equivalent crimes against other specialized victims in Sections 30-3-9 to -9.2, except that for aggravated battery, penalty would be a second degree felony rather than a third degree felony of the other statutes.

OTHER SUBSTANTIVE ISSUES

Due to the rise of specialized assault and battery statutes, prosecutors must determine if a specialized statute applies instead of the general statute. If the specialized statute applies, the prosecution must be brought under that statute, and the prosecutor must meet the specific proof requirements set out in that statute, including the additional proof requirements regarding the status of the victim. Consequently, the presiding judge must make many related determinations regarding the sufficiency of required proofs under various statutes dealing with assault and battery, making it difficult to maintain consistency. A related question is why a public employee should receive more or less protection under the criminal statutes than a private citizen.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS