

<b>LFC Requester:</b>	<b>Austin Davidson</b>
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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: Date 1/16/24  
**Original**     **Amendment**    \_\_\_\_\_ **Bill No:** HB 87  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Sponsor:**    Rep. Cynthia Borrego    **Agency Name and Code**    AOC  
                   Rep. Joseph L. Sanchez    **Number:**    218  
**Short Title:**    Combine Motor Vehicle Crimes    **Person Writing**    Charlene Romero  
                   for Sentencing    **Phone:** 505-490-5149    **Email** aoccar@nmcourts.gov

**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			

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	\$0	\$0	\$0	\$0		

(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: HB 87 amends Section 30-16D-1 NMSA 1978 through Section 30-16D-4 NMSA 1978 by removing the individual penalties per charge and creating a new overall penalty scheme.

HB 87 creates a new section, 30-16D-4.1, which defines the penalties for unlawful taking of a vehicle or motor vehicle contrary to Section 30-16D-1 NMSA 1978, embezzlement of a vehicle or motor vehicle contrary to Section 30-16D-2 NMSA 1978, fraudulently obtaining a vehicle or motor vehicle pursuant to Section 30-16D-3 NMSA 1978 or receiving or transferring stolen vehicles or motor vehicles pursuant to Section 30-16D-4 NMSA 1978 as follows:

- A. Fourth degree felony for a first offense;
- B. Third degree felony for a second offense, regardless of which crime was the first offense; and
- C. Second degree felony for a third or subsequent offense, regardless of which crime was the first or second offense.

**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 law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

The new penalty scheme in HB 87 effectively increases penalties by including any violation of the four crimes defined in Sections 30-16D-1 through 30-16D-4 NMSA 1978 when determining the penalty for the crime. Increased penalties are likely to result in more defendants invoking their right to trials, including jury trials. More trials will require additional judge time, court staff time, and courtroom availability, and will increase the time required to dispose of cases.

**SIGNIFICANT ISSUES**

While the proposed penalties for a first, second and third or subsequent offense are the same as those currently imposed for the individual crimes, the overall penalty scheme in HB 87 effectively increases penalties by aggregating the offenses listed in Sections 30-16D-1 through 30-16D-4 NMSA 1978. Increased penalties are likely to result in more defendants invoking their

right to trials, including jury trials. More trials will require additional judge time, court staff time, and courtroom availability, and will increase the time required to dispose of cases.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

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

None

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

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

#### **AMENDMENTS**