

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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 X **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: 01/17/24

Bill No: HB 96

Sponsor: Stefani Lord
 Harlan Vincent

Agency Name and 305 – New Mexico
Code Number: Department of Justice

Person Writing
Analysis: AAG Brian Moffatt

Short Interference with law
Title: enforcement penalties

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: HB 96 raises the offense level from misdemeanor to fourth degree felony for resisting, evading, or obstructing an officer under NMSA 1978, Section 30-22-1.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

By contrast, assault against a peace officer is a misdemeanor. NMSA 1978, Section 30-22-21.

Case law has found that “fighting words” can constitute verbal abuse of a peace officer under subsection 4. *State v. Wade*, 1983-NMCA-084, 100 N.M. 152. Whether words alone in this context should be charged as a felony is a consideration. For instance, assault against a peace officer is simply a misdemeanor. NMSA 1978, Section 30-22-21

Perhaps clarification of the intended scope of subsection 4 could eliminate any unintended consequences of HB 96.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS