

<b>LFC Requester:</b>	<b>Scott Sanchez</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:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** January 18, 2024  
**Bill No:** SB 66

**Sponsor:** Brandt  
**Short Title:** Penalty for Shooting Threat

**Agency Name and Code** NM Sentencing Commission (354)  
**Number:** \_\_\_\_\_  
**Person Writing** Douglas Carver  
**Phone:** 505-239-8362 **Email** dhmcarver@unm.edu

**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)**

	<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>						

(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:

SB 66 expands Section 30-20-16, recently expanded in 2022, so that swatting is now included in this statute along with making a bomb scare and making a shooting threat.. Swatting consists of knowingly making a false or misleading report of an ongoing emergency or threat of violence to a public safety agency or agency personnel or to a public safety answering point, with the intent to cause an immediate response from law enforcement and other first responders. Swatting would be a fourth degree felony. Swatting would be included in the reimbursement subsection of the statute.

In addition, SB 66 increases the penalty for making a shooting threat from a misdemeanor to a fourth degree felony, so that all three crimes in this statute would have the same penalty.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

There are some Federal laws that cover swatting activity. See Congressional Research Service, “School Swatting: Overview of Federal Criminal Law” (Oct. 2023), available at: <https://crsreports.congress.gov/product/pdf/LSB/LSB11063>, but no specific Federal law that directly criminalizes swatting (though a bill was introduced in Congress to do just that on January 17, 2024). As part of the effort to track what anecdotally seems to be an increase in swatting, the FBI established a database to track swatting incidents in the middle of last year. (Belanger, “FBI finally tracks “swatting” incidents as attacks increase nationwide”, *Ars Technica* (June 2023), <https://arstechnica.com/tech-policy/2023/06/fbi-finally-tracks-swatting-incidents-as-attacks-increase-nationwide/>). A handful of states have passed laws directly criminalizing swatting, most recently Ohio in the past year.

It is difficult to determine what the effect of passing SB 66 would be on the state’s prison

population, but the penalties included in the bill could lead to more people being incarcerated by the Corrections Department, especially as the shooting threat penalty would be increased from a misdemeanor to a fourth degree felony. The average length of stay for public order felonies is 507 days. The average per day cost to incarcerate someone in the state's prison system is \$156.45/day; this average includes private and public facilities.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

## **AMENDMENTS**