

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: 1/23/24

Bill No: SB 102

Sponsor: Craig W. Brandt

Short Title: Racketeering Act Changes

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

Person Writing Analysis: Ellen Venegas

Phone: 505-537-7676

Email: legisfir@nmag.gov

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

Senate Bill (“SB”) 102 seeks to amend the Racketeering Act, NMSA 1978, §§ 30-42-1 to -6 (1980, as amended through 2015). Specifically, SB 102 adds several additional predicate crimes to Section 30-42-3(A); clarifies that a “criminal gang” is included within the Act’s definition of “enterprise”; adds a definition for criminal gang; and adds two new subsections under the prohibited activities described in Section 30-42-4.

FISCAL IMPLICATIONS

None to this office

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Partial Duplication: HB 116 (Human Trafficking & Sexual Exploitation Crime) also includes a proposed amendment to the Racketeering Act, by adding human trafficking to the list of predicate offenses that define racketeering, Section 30-42-3(A). This is consistent with the proposed addition of human trafficking to Section 30-42-3(A) by SB 102.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None