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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 60

SHORT TITLE: Revise Certain Criminal Offense Definitions

SPONSOR: Chavez/Reeb/Hall II

LAST ORIGINAL
UPDATE: _____ **DATE:** 01/28/2026 **ANALYST:** Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
District Attorneys	No fiscal impact	\$230.0 to \$455.0	\$230.0 to \$455.0	\$260.0 to \$910.0	Recurring	General Fund
Public Defender	No fiscal impact	\$140.0 to \$180.0	\$140.0 to \$180.0	\$280.0 to \$360.0	Recurring	General Fund
AOC	No fiscal impact	\$100.0 to \$150.0	\$100.0 to \$150.0	\$200.0 to \$300.0	Recurring	General Fund
Total	No fiscal impact	\$470.0 to \$785.0	\$470.0 to \$785.0	\$940.0 to \$1,570.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Office of the Attorney General
Law Offices of the Public Defender
Corrections Department
Crime Victims Reparation Commission
Department of Public Safety

Agency or Agencies That Were Asked for Analysis but did not Respond

Administrative Office of the District Attorneys

SUMMARY

Synopsis of House Bill 60

House Bill 60 (HB60) seeks to amend Section 31-26-3, NMSA 1978, of the Victims of Crime Act to revise and expand the definition of “criminal offense” for purposes of determining eligibility for victims’ rights and services under the Act. The bill proposes to add four specific crimes committed against peace officers to the list of qualifying offenses: aggravated assault upon a peace officer (Section 30-22-22 NMSA 1978), assault with intent to commit a violent felony upon a peace officer (Section 30-22-23 NMSA 1978), battery upon a peace officer (Section 30-22-24 NMSA 1978), and aggravated battery upon a peace officer (Section 30-22-25

NMSA 1978). By incorporating these offenses, the bill would extend the procedural rights outlined in the Victims of Crime Act—including notification of court proceedings, participation in sentencing, and access to restitution information—to peace officers who are victims of these specific crimes, as well as to their designated representatives or families where applicable.

HB60 also makes technical and clarifying amendments to existing statutory references in Section 31-26-3. The bill corrects the citation for negligent arson by replacing a reference to Subsection B of Section 30-17-5 NMSA 1978, which defines a petty misdemeanor, with a reference to Paragraph (1) of Subsection G of that section, which pertains to negligent arson resulting in death or bodily injury. Additional changes specify the relevant subsections for voluntary and involuntary manslaughter under Section 30-2-3 NMSA 1978, clarifying that Subsection A addresses voluntary manslaughter and Subsection B addresses involuntary manslaughter.

The bill further modifies language in Subsection (B)(16) to clarify that the offense of “abandonment or abuse” refers specifically to abandonment or abuse of a child. A minor grammatical edit is also made to Subsection (B)(20) to accommodate the insertion of the new offenses and maintain proper formatting throughout the statute. These changes are intended to align the Victims of Crime Act with the Criminal Code's current structure and ensure consistency in statutory language. HB60 does not create new criminal offenses or alter existing penalties but modifies the list of offenses that trigger victims’ rights under the Act.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

The proposed amendments in House Bill 60 may result in minimal but measurable administrative and operational impacts across several justice system agencies. However, the bill does not include an appropriation, and most agencies report no immediate fiscal cost. By expanding the definition of “criminal offense” in the Victims of Crime Act to include additional offenses against peace officers, the bill may increase the number of cases in which law enforcement personnel are entitled to victim services, including notifications, court participation, and involvement in parole hearings.

The Office of the Attorney General (NMAG) reports that the bill could increase the responsibilities of its Special Prosecutions and Victim Services bureaus, particularly regarding victim notification and tracking obligations. While NMAG anticipates absorbing these duties with existing staff, the overall impact may depend on the volume of qualifying cases and the extent to which peace officers engage with the rights afforded under the Act. The Public Defender Department (LOPD) notes that peace officers’ eligibility for victim rights under the Act may influence charging decisions and result in an increase in prosecutions involving these offenses. Although LOPD expects to absorb some additional workload, any increase in cases may contribute to a cumulative need for additional indigent defense funding to meet constitutional obligations.

The Corrections Department anticipates a minimal fiscal impact related to expanded notification and support services for victims attending parole board hearings. These duties are expected to be managed within the existing staff's scope of work. The Department of Public Safety (DPS) also reports no fiscal impact. At the same time, the Crime Victims Reparation Commission (CVRC)

notes that it already provides compensation assistance to peace officers under current practice and does not anticipate a change in cost as a result of the bill.

Although none of the responding agencies provided specific cost estimates, the Legislative Finance Committee (LFC) estimates the recurring fiscal impact of HB60 could range from approximately \$470 thousand to \$785 thousand annually, based on anticipated workload increases across district attorneys, public defenders, and the courts. The bill expands eligibility for victim rights to include certain offenses against peace officers, potentially increasing the number of cases requiring victim notification, participation in court proceedings, and coordination among legal parties. LFC staff estimate the Administrative Office of the District Attorneys may require additional victim services staff across judicial districts, while the LOPD could experience increased caseloads requiring additional legal and support personnel. Although the Administrative Office of the Courts did not respond, expanded procedural rights under the bill may require enhanced administrative tracking and compliance support. These cost estimates are based on prior fiscal impacts for comparable expansions in victim services and reflect LFC assumptions rather than agency projections.

SIGNIFICANT ISSUES

HB60 raises several statutory and procedural considerations related to the implementation of the Victims of Crime Act. The bill expands the definition of “criminal offense” to include four crimes specifically involving peace officers, potentially broadening the application of victims’ rights in cases where peace officers are harmed in the line of duty. While the bill does not alter existing criminal penalties or create new offenses, it could influence case administration and legal strategy, particularly when a peace officer is designated as a victim, which triggers additional procedural obligations for prosecutors, courts, and defense counsel.

Under current law, crime victims are entitled to a defined set of rights, including notification of hearings, participation in sentencing, and opportunities to confer with prosecutors. Extending these rights to peace officers may create operational complexity when the same individuals serve as both investigative witnesses and victims. Additionally, rights conferred under the Victims of Crime Act are statutory, not constitutional, which may affect enforcement mechanisms or remedies in cases of noncompliance. As noted by DPS, crimes against peace officers generally require proof that the defendant knew the victim was a peace officer, which could add procedural steps or affect when victim services are initiated in qualifying cases.

Because HB60 does not include provisions to distinguish between on-duty and off-duty conduct, its application may vary depending on case context, requiring clarification through administrative policy or prosecutorial discretion. The bill also relies on accurate statutory cross-referencing and classification, and any inconsistencies in how those statutes are interpreted could affect uniform implementation across judicial districts.

OTHER SUBSTANTIVE ISSUES

DPS notes that the rights provided under the Victims of Crime Act are statutory rather than constitutional, which may affect how those rights are enforced or challenged. Article II, Section 24(B) of the New Mexico Constitution states that the accused has no standing to object to a failure to comply with constitutional victim rights. In contrast, rights established solely by statute may not carry the same limitation on standing. House Bill 60 extends statutory rights to peace

officers as victims of certain crimes. Still, those rights may not be afforded the same protections or enforcement mechanisms as those in the state constitution.

CVRC reports that although it already provides compensation assistance to peace officers under existing practices, the bill does not modify the scope of benefits or change existing eligibility standards for victim compensation. As a result, while HB60 expands statutory recognition of peace officers under the Victims of Crime Act, it does not affect the availability or structure of financial support through CVRC-administered programs.

Additionally, while the bill makes both substantive and technical revisions to Section 31-26-3 NMSA 1978, including the insertion of new qualifying offenses and corrections to cross-references, its implementation may require careful statutory interpretation to ensure consistency across related provisions. Although no agency identified drafting concerns with the combined nature of these changes, amending multiple elements within a single section may increase the complexity of legal interpretation or case administration during early implementation.

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