

LFC Requester:	Kelly Klundt
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**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 01/19/2016
Original **Amendment** **Bill No:** HB142-305
Correction **Substitute**

Sponsor: Doreen Y. Gallegos and Jimmie C. Hall **Agency Code:** 305
Short Title: CRIMES AGAINST CYFD WORKERS **Person Writing:** James J. Torres
Phone: 827-6047 **Email:** jtorres@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Relates to:

None

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

Synopsis:

HB 142 increases penalties for assault and battery when specifically committed against public service workers of the children, youth and families department. Language within this bill tracks closely with existing statutory language defining the crimes of assault and battery; however, penalties for those crimes are increased.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

HB 142 is very similar to Sections 30-3-9, 30-3-9.1, and 30-3-9.2, relating to assault and battery committed against school personnel, sports officials, and health care personnel, respectively. Beyond similarly increasing penalties, HB 142 and Sections 30-3-9 and 30-3-9.2 create the crime of assisting or being assisted by another to commit a battery, a 4th degree felony. However, unlike the foregoing statutes, HB 142 does not delineate aggravated battery which is unlikely to cause death or great bodily harm. This crime would presumably remain a misdemeanor, as established by Section 30-3-5(B). Some confusion may arise given that HB 142 treats a battery as a 4th degree felony, while leaving aggravated battery which is not likely to cause death or great bodily harm punishable as a misdemeanor. Further, one who merely assists in the commission of a battery would be guilty of a 4th degree felony, while the principal guilty of aggravated battery would only be guilty of a misdemeanor.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

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

N/A