

<b>LFC Requester:</b>	<b>Mark Weber</b>
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**AGENCY BILL ANALYSIS  
2014 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:*

**Original**      X   **Amendment**            
**Correction**           **Substitute**          

**Date** February 5, 2014  
**Bill No:** HB128-305 Feb 5

**Sponsor:** Rep. Baldonado  
**Short**        Hunting and Fishing  
**Title:**        Infraction Penalties

**Reviewing**        Attorney General's Office  
**Person Writing**    Tannis Fox, AAG  
**Phone:** 827-6695    **Email** tfox@nmag.gov

**SECTION II: FISCAL IMPACT \*\*\*\*FOR LFC OFFICIAL PURPOSES\*\*\*\***  
**AGO STAFF SHOULD LEAVE SHADED AREAS BLANK**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

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

**BILL SUMMARY**

Summary Synopsis:

HB 128 proposes to amend NMSA 1978, § 17-2-8 to make it a fourth degree felony for a person to take or kill a bighorn sheep, ibex, oryx, barbary sheep, elk, deer or pronghorn antelope outside of the legal season or without a valid license when it results in the waste of the animal. Waste consists of removing from the animal only the head, antlers or horns or leaving any of the four quarters, back straps or tenderloins of the carcass to waste. Sentencing would be in accordance with NMSA 1978, § 31-18-15, providing for imprisonment up to 18 months and a fine of up to \$5,000 for conviction of a fourth degree felony.

HB 128 proposes to amend Section 17-2-10 to ensure that the potential incarceration for the misdemeanor violations in the statute is consistent with the misdemeanor sentencing authority in Section 31-19-1.

HN 128 proposes to add the minor game and fish violations as penalty assessment violations with fines: \$50 for fishing, hunting or trapping without the proper stamp or validation, and \$125 for manner and method infractions established by the State Game Commission.

**FISCAL IMPLICATIONS WITH ENACTING THIS BILL**

None for the Attorney General’s Office.

**SIGNIFICANT LEGAL ISSUES**

None identified.

**PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL**

None for the Attorney General’s Office.

**ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL**

None for the Attorney General’s Office.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS  
INTRODUCED THIS SESSION**

None identified.

**TECHNICAL ISSUES OR DRAFTING ERROR**

None identified.

**OTHER SUBSTANTIVE LEGAL ISSUES**

None identified.

**ALTERNATIVES TO ENACTING THIS BILL**

None identified.

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

The penalty assessments currently in statute will remain in place.

**AMENDMENTS NEEDED TO IMPROVE THIS BILL**

None identified.