

LFC Requester:	Eric Chenier
-----------------------	---------------------

**AGENCY BILL ANALYSIS
2015 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	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	January 22	, 2015
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	SB 180	

Sponsor:	Sen. Nancy Rodriguez	Agency Code:	Attorney General's Office
Short Title:	Enacting the Weapons of Mass Destruction Act	Person Writing	Tony Long, AAG
Phone:	505/222-9083	Email	tlong@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	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 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.

BILL SUMMARY

Synopsis: This bill enacts The Weapons of Mass Destruction Act and provides penalties for criminal violations of the Act.

Section 2 of the bill defines chemical warfare agent, nuclear agent, radiological agent, vector, weapon of mass destruction, weaponized, and weaponized biological warfare agent.

Section 3 of the bill provides the language for possession, manufacture, and use of a weapon of mass destruction as well as the criminal penalty upon conviction.

Section 4 of the bill provides language for a threat to use a weapon of mass destruction as well as the criminal penalty upon conviction.

Section 5 of the bill amends §31-18-15 to allow for a sentence of life imprisonment and \$17,500 fine for someone found guilty of use of a weapon of mass destruction resulting in death of a person.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

There is existing federal law that deals with weapons of mass destruction. The federal law is also broader in its scope of definitions. Most, if not all, weapons of mass destruction are highly classified matters of national security and are typically handled by the United States Attorney’s Office. Since it is a matter of national security, the attorneys handling such cases have to have extremely high levels of security clearance. Most prosecutors at the State level do not hold those security clearances and would be unable to actually enforce the Act in a court of law.

In Section 3(E), without lawful authority is not defined. It is unclear who, if anyone, would have lawful authority to act lawfully under Section 3(E) at any time.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

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