

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2013 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 **Amendment**
Correction **Substitute**

Date 1/28/2013
Bill No: HB 265--305

Sponsor: Rep. James R. J.Strickler **Reviewing** Attorney General's Office
Short Voluntary Manslaughter for **Person Writing** MBaber
Title: Youthful Offenders **Phone:** 827-6650 **Email** mbaber@nmagt.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
FY13	FY14		

(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
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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

HB 265 amends Criminal Sentencing Act, section 31-18-15.2 to add new section (b) voluntary manslaughter, as an enumerated offense for a youthful offender, a child between the ages of 14- and 18.

It adds new section (f) to include battery of a household member, using a weapon or in a manner to cause great bodily harm or death, tracking NMSA 30-3-16(C), a third degree felony if committed by an adult.

This bill also amends NMSA 32A-2-3, Delinquency Act, Section J, to include voluntary manslaughter.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

Higher penalties generally lead to increased costs.

SIGNIFICANT LEGAL ISSUES

Recent news reporting on juveniles who kill is a likely reason for increased scrutiny of the juvenile justice system not only in NM, but across the nation.

1. This bill expands the definition of youthful offender by adding voluntary manslaughter to the sentencing act and delinquency act. More delinquent children could be charged and subjected to adult sanctions if charged with and adjudicated for voluntary manslaughter.

2. The criminal sentencing act will be consistent with the delinquency act, in which aggravated battery against a household member is already an enumerated offense.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

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

Related to **SB 203** “Modifying Juvenile Detention Requirements”, intro by Rep Gerald Ortiz y Pino

Related to **HB 142** “Relating to Delinquency Act, substantive changes”, intro by Rep Tim Lewis

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL.

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL