

LFC Requester:	Eric Chenier
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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 Amendment _____
Correction _____ Substitute _____

Date February 7, 2014
Bill No: HB326-305 Feb 7

Sponsor: Paul A. Pacheco Reviewing Attorney General's Office
Short Meritorious Deductions Person Writing Shannon Murdock
Title: _____ Phone: 222-9000 Email smurdock@nmag.go

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: N/A

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)

	FY14	FY15	FY16	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

Summary Synopsis:

This Bill adds first degree murder, when the offender is a serious youthful offender and homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug, to the definition of serious violent offense as well as clarifies/updates some language within the statute to include taking out sentence of death and changing it to life imprisonment without the possibility of release or parole. It clarifies language regarding what a heroic act would be. It also adds 1st, 2nd and 3rd degree child abuse that does not result in death or great bodily harm to the section that allows a judge to determine based on the facts of the case and the nature of the crime to determine whether it is a serious violent offense or not.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

None

SIGNIFICANT LEGAL ISSUES

None

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

Serious violent offenders must serve 85% of their sentence before being considered for parole. This will cause the prison system to have to incarcerate for a longer period of time for certain crimes.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None

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

N/A

TECHNICAL ISSUES OR DRAFTING ERROR

See above

OTHER SUBSTANTIVE LEGAL ISSUES

See above

ALTERNATIVES TO ENACTING THIS BILL

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None