

<b>LFC Requester:</b>	Aurora Sanchez
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto: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** January 27, 2015  
**Bill No:** HB 172-305

**Sponsor:** Rep. Yvette Herrell  
**Short**    No Time Limit on  
**Title:**    Second Degree Murder

**Agency Code:** Attorney General's Office  
**Person Writing**    Jennifer Armijo Hughes, AAG  
**Phone:** 222-9000    **Email** jhughes@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)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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: HB 172 amends Section 30-1-8 NMSA 1978, which addresses time limitations for commencing prosecution, by making changes to subsection (A) and subsection (I).

Subsection (A) is amended to exclude murder in the second degree from the remaining second degree felonies, in which the time limitation for commencing prosecution is within six years from the time the crime was committed.

Subsection (I) is amended to include murder in the second degree as one of the crimes in which there is no time limitation for commencing prosecution.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

None

**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; However, by not enacting this bill, it would impossible to charge someone with second degree murder after six years from the time the crime was committed. This could be problematic in cold case murders, where the facts of the crime meets the element of second degree murder. Section 31-18-15(4) provides a greater punishment for a second degree felony resulting in the death of a human being than it does for a basic second degree felony. As such, there may be a good public policy reason why there should be no statute of limitations on prosecuting second degree murder.**

#### **AMENDMENTS**

**N/A**