

LFC Requester:	Aurora Sanchez
-----------------------	-----------------------

**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: **Date** February 20 , 2015
Original **Amendment** **Bill No:** HB 172-305
Correction **Substitute**

Sponsor: Rep. Yvette Herrell **Agency Code:** Attorney General's Office
Short No Time Limit on Second **Person Writing** Jennifer Armijo Hughes, AAG
Title: Degree Murder **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)

	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 is a House Safety and Civil Affairs Committee Substitute bill for HB 172 & 196. It is an act extending the time limitation for prosecuting the crimes of conspiracy and tampering with evidence to coincide with the time limitation for the underlying crime and also providing no time limitation for prosecuting a first degree felony or second degree murder.

This substitute bill amends Section 30-1-8 NMSA 1978 by adding second degree murder as a crime in which there is no statute of limitations. It also specifies that all first degree felonies have no statute of limitations instead of only first degree violent felonies.

The substitute bill amends Section 30-1-8 NMSA 1978 by adding two new sections regarding time limitations for commencing prosecution, which state the following:

(E) for the crime of conspiracy, within the same time period as the highest crime conspired to be committed would be prosecuted;

(F) for the crime of tampering with evidence, within the same time period as the highest crime for which the tampering with evidence was committed would be prosecuted.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

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