

LFC Requester:	Aurora Sanchez
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**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 18, 2015
Original **Amendment** **Bill No:** HB 453
Correction **Substitute**

Sponsor: Rep. Nate Gentry **Agency Code:** Attorney General's Office
Short Additional Violent Felonies **Person Writing** Tony W. Long, AAG
Title: for Mandatory Life in Prison **Phone:** 505/222-9020 **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 Act relates to criminal sentencing; Providing additional violent felonies in the criminal sentencing act for the purposes of mandatory life imprisonment for three violent felony convictions.

This amendment to NMSA §31-18-23 deals only with Section E.

The first change is the removal of the “great bodily harm” (GBH) requirement. This amendment removes the definition of GBH as well as the GBH requirement from the crimes of shooting at or from a motor vehicle, kidnapping, and robbery.

The amendment adds new crimes for the purposes of mandatory life imprisonment, those crimes are:

- Voluntary Manslaughter – 3rd degree felony
- Aggravated Battery – 3rd degree felony
- Aggravated Battery Against a Household Member – 3rd degree felony
- Shooting at a Dwelling or Occupied Building – 2nd and 3rd degree felony
- Criminal Sexual Contact of a Minor – 2nd and 3rd degree felony
- Aggravated Arson – 2nd degree felony
- Aggravated Battery Upon a Peace Officer – 3rd degree felony
- Assault with Intent to Commit a Violent Felony Upon a Peace Officer
- Aggravated Assault Upon a Peace Officer – 3rd degree felony

The amendment modifies the following crimes:

- Shooting at or from a Motor Vehicle – which previously only included the 2nd degree felony conviction (with GBH) now includes the 3rd degree felony conviction as well
- Kidnapping – which previously only included kidnapping resulting in GBH upon the victim by the captor now only includes 1st degree kidnapping
- Criminal Sexual Penetration – which previously only included Aggravated CSP, CSP in the 1st degree or CSP in the commission of another felony or CSP with a Deadly Weapon now includes all Aggravated CSP, all 1st degree CSP, and all 2nd degree CSP

The amendment makes no changes to the following crimes:

- Murder – 1st degree or 2nd degree

FISCAL IMPLICATIONS

Article 6, Section 2 of the Constitution of the State of New Mexico and NMRA 12-102(A)(1), mandates that all sentences of life imprisonment be directly appealed to the New Mexico Supreme Court.

These appeals would be handled by the Attorney General's Office and would likely require significant increase in staff in the Appellate Division but no appropriation is made. A moderate estimation would be at least \$500,000 for 5-6 additional Assistant Attorney General salaries and 1-2 support staff salaries.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship – SB 83

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