

LFC Requester:	Eric Chenier
-----------------------	---------------------

**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 February 24 , 2015

Prepared: _____

Bill No: House Bill 590

Sponsor: Rep. John L. Zimmerman

Agency Code: Attorney General's Office

Short Title: Additional Felonies for Prison Earned Time

Person Writing Analysis: Joseph M. Spindle , AAG
Phone: _____
Email jspindle@nmag.gov
1 800
525-
6519

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: House Bill 590 seeks to expand the definition of serious violent offense to include first degree murder when the offender is a serious youthful offender, homicide or great bodily injury by vehicle while under the influence, and injury to a pregnant woman by vehicle.

FISCAL IMPLICATIONS:

Note: N/A

SIGNIFICANT ISSUES: House Bill 590 effectively expands the definition of serious violent offender for earned meritorious deduction purposes. Earned meritorious deductions, or “good-time” is the amount of time which a sentence of incarceration may be reduced for good behavior. Currently, anyone incarcerated for the crimes of (1.) homicide as a serious youthful offender; (2.) great bodily injury or death by vehicle while under the influence; or (3.) injury to a pregnant woman by vehicle are eligible for fifty percent meritorious deduction. In practice, this mean that these offenders generally only serve half of any incarceration time to which they were sentenced.

Offenders incarcerated for “serious violent offenses” are ineligible for fifty percent meritorious deduction. These offenders must serve at least eighty five percent of any incarceration time to which they are sentenced. To be categorized as a “serious violent offense,” an offense must be included in section 33-2-34(L)(4). The crimes included here are those generally associated with serious harm or risk of harm. Since Bill 590 seeks to include three crimes on this list that

inherently require proving an element of serious harm, it is reasonable to include them on the list of “serious violent offenses.”

PERFORMANCE IMPLICATIONS

Note: N/A

ADMINISTRATIVE IMPLICATIONS

Note: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

Note: N/A

TECHNICAL ISSUES

Note: N/A

OTHER SUBSTANTIVE ISSUES

Note: N/A

ALTERNATIVES

Note: N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

Note: N/A