

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Sharer DATE TYPED: 02/18/03 HB _____

SHORT TITLE: Life Imprisonment Without Parole Or Release SB 104

ANALYST: Fox-Young

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$0.1 Significant	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Partially Duplicates SB 75.

SOURCES OF INFORMATION

Responses Received From
 Administrative Office of the Courts (AOC)
 Attorney General (AG)
 Corrections Department (CD)

SUMMARY

Synopsis of Bill

Senate Bill 104 amends the Criminal Sentencing Act, providing a new penalty of “life imprisonment without the possibility of release or parole” in every case where life imprisonment is currently a sentencing option.

The bill strikes the language “when that sentence does not result in death,” referring to the exception from capital felony sentencing for a third violent felony conviction. The bill also makes a violent felony murder in the second degree. (Currently, it is murder in the first or second degree.)

The bill also makes the necessary changes in parole procedures to require the inmate shall “remain incarcerated for the entirety of his natural life.” The bill strikes language allowing the parole board’s discretion in granting parole to an inmate convicted of a capital felony. The new language states that an inmate convicted of a capital felony and sentenced to life imprisonment

must serve the life sentence without the possibility of release or parole. A “corrections facility” becomes “an institution.”

The bill repeals Section 31-18-14.1 NMSA 1978, which currently provides that a court shall explain to the jury that a sentence of life imprisonment means that the defendant shall serve thirty years of his sentence before he becomes eligible for a parole hearing. The new provisions shall apply only to individuals convicted of a capital felony offenses committed on or after July 1, 2003.

Significant Issues

The Attorney General (AG) notes that under current law, if the jury cannot reach a unanimous verdict on the penalty, the judge must impose a life sentence, currently allowing a defendant to be eligible for parole after actually serving 30 years in prison. This bill establishes another option, incarcerating the defendant for the entirety of his or her natural life.

The Corrections Department (CD) notes that inmates who are sentenced to prison for the entirety of their lives are difficult to manage because they have no incentive to comply with the rules.

FISCAL IMPLICATIONS

Increased penalties will likely increase the workload throughout the judiciary, necessitating increased resources for the courts, district attorneys and public defenders.

CD notes that after a period of approximately thirty years, the provisions of the bill may result in minimal to substantial cost increases in costs to CD as a result of the need to continue incarcerating those capital offenders who may otherwise have been released on parole.

DUPLICATES

The bill duplicates portions of SB 75, but it does not expand the list of aggravating circumstances for consideration in capital felony sentencing as SB 75 does.

JCF/ls