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FISCAL IMPACT REPORT

SPONSOR Maestas ORIGINAL DATE 02/22/11
LAST UPDATED _____ HB 464
SHORT TITLE Increase Penalties for Certain Crimes SB _____
ANALYST Segura

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	\$1,800.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
New Mexico Department of Corrections (NMDC)
Administrative Office District Attorney (AODA)
New Mexico Sentencing Commission (NMSC)
Public Defender Department (PDD)

SUMMARY

House Bill 464 relates to criminal sentencing, increasing the penalties for second degree murder, voluntary manslaughter and involuntary manslaughter.

House Bill 464 amends Section 30-2-1(B) deleting “resulting in the death of a human being” so that whoever commits murder in the second degree is guilty of a second degree felony for murder; and,

Amends Section 30-2-3 NMSA to delete “resulting in the death of a human being” so that whoever commits voluntary manslaughter is guilty of a third degree felony for voluntary manslaughter and whoever commits involuntary manslaughter is guilty of a fourth degree felony for involuntary manslaughter.

FISCAL IMPLICATIONS

House Bill 464 contains an appropriation of \$1,800.0 from the general fund and is recurring.

The AOC indicates that there may be minimal administrative cost for statewide update, distribution and documentation of statutory changes. Amendments to existing laws and new

hearings have the potential to increase caseloads in the courts.

The New Mexico Corrections Department indicates that the increased criminal penalties resulting from this bill would increase the Department's costs by leading to minimal to moderate increases to the inmate population. They estimate that the enactment of the bill would cost an additional \$300,000 during the three year period. The department clarifies that this is only an estimate, as NMCD has no control of those convicted and sent to custody. The NMCD raises the issue that House Bill 464 does not provide any funding to the department but only to other criminal justice systems that are impacted if the bill were enacted.

House Bill 464 proposes an increased penalties and fines;

- The amendment to Section 31-18-15 increases the penalties and fines for a second degree murder, voluntary manslaughter and involuntary manslaughter as follows:
 - Changes the basic imprisonment from fifteen years to twenty years for a person convicted of a second degree felony for murder, with a fine of \$12, 500;
 - Adds ten years of imprisonment for a third degree felony for voluntary manslaughter , with of fine of \$10,000; and
 - Adds three years of imprisonment for a fourth degree felony for involuntary manslaughter, with a fine of \$5000.

SIGNIFICANT ISSUES

NMCD states that if new crime bills or sentence enhancement bills are enacted, the department will eventually reach its rated capacity for its prison population.

RS/bym