

The Administrative Office of the District Attorneys reports that it is likely that defendants facing an additional 10 years in prison may opt to go to trial versus taking a plea. If defendants go to trial, district attorneys and public defenders will impact caseloads. Additionally, defendants convicted of second degree murder will spend more time in prison because they will no longer be allowed to earn meritorious good time at 30 days per month.

The Sentencing Commission reports that on June 30, 2011, the NMCD had 388 offenders committed to the custody of the NM Corrections Department had a conviction for 2nd degree murder as their highest charge. That number represented nearly 6% of the total inmate population on that same date (6,598). If HB 44 becomes law, at some point in the future the increased length of stay for 2nd degree murderers would begin to impact the state inmate population.

The Adult Parole Board reports that the bill does not address the potential increase in the prison population resulting from the reduction of earned meritorious deductions. As for the Parole Board, it would have a minor reduction in hearings from the date of incarceration to date of parole. The Board would hear the cases at a later date.

SIGNIFICANT ISSUES

According to the NMCD, if this and other bills are enacted into law the department will reach its rated capacity for its prison population and one of three options will have to be sought: 1) house inmates out of state, 2) release prisoners early or 3) build new or expand existing prisons.

PERFORMANCE IMPLICATIONS

Increases in the inmate population could impact inmate-on-inmate or inmate-on-staff assaults, and the community offender management performance measure of “percent of out-of-office contacts per month with offenders on high and extreme supervision on standard caseloads”.

The courts anticipate the bill will impact two of the district courts performance measures:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type.

ADMINISTRATIVE IMPLICATIONS

The bill has the potential of increasing correctional officer and probation and parole officer workloads, increase the cost of the care and support of inmates.

According to the NMCD, current staffing levels and increases in the population will negatively impact the department’s ability to effectively perform prison and probation/parole supervision services.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Similar to House Bill 31 which amends the time limitation for certain crimes, and House Bill 43 which adds to the definition of serious felonies.

AMENDMENT NEEDED TO IMPROVE THE BILL

According to the AGO, proportionately increase the penalty for voluntary manslaughter and vehicular manslaughter.

ABS/lj