

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
**[AgencyAnalysis.nmlegis.gov](mailto:AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** January 21, 2026 **Check all that apply:**  
**Bill Number:** HB 59 **Original**  **Correction**    
**Amendment**   **Substitute**  

**Agency Name  
and Code**

**Sponsor:** Reeb **Number:** NM Sentencing Commission – 354  
**Short** Increase Penalty for Certain **Person Writing:** Keri Thiel  
**Title:** Deaths **Phone:** 505-259-8763 **Email:** kthiel@unm.edu

**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>		

**REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>	<b>FY28</b>		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### Synopsis:

House Bill 59 amends Section 31-18-15 NMSA 1978, regarding the basic sentences for noncapital felonies, to increase the penalty for a second degree felony resulting in the death of a human being from eighteen to twenty-five years imprisonment.

### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

### **SIGNIFICANT ISSUES**

The changes proposed by HB 59 would currently only apply to second degree murder, Section 30-2-1(B), as that is the only offense currently punishable as a second degree felony resulting in the death of a human being.

In FY 2024, the most recent court data to which the New Mexico Sentencing Commission currently has access, there were 96 cases filed with second degree murder as the lead offense. This includes all case statuses: pending, appealed, final closed, etc. There were ten convictions for second degree murder in FY 2024.

As of June 30, 2024, at the close of FY 2024, there were 528 people confined in New Mexico prisons for a lead offense of second degree murder. For those individuals, the average expected length of stay was 13.2 years, and the median expected length of stay was 12.2 years. These numbers include anticipated earned meritorious deductions.

It is difficult to determine what the effect of passing HB 59 would be on the state's prison population, but the increased basic sentence from 18 to 25 years incarceration would likely lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state's prison system is \$153.08/day; this average includes private and public facilities.

### **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**