



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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Senate Bill 160 amends §31-18-16 NMSA 1978 by increasing the alteration of a basic sentence for the crime of use, brandishing or discharge of a firearm, as follows:

- increasing the penalty from one year to two years for the separate finding that a firearm was used during a drug transaction or during the commission of aggravated burglary pursuant to §30-16-4 or a serious violent offense, except when the offender is a youthful offender who received an adult sentence, the sentence imposed may be increased by one year;
- increasing the penalty from three to five years for the separate finding that a firearm was brandished during the commission of a noncapital felony pursuant to §30-18-15, except when the offender is a youthful offender who received an adult sentence, the sentence imposed may be increased by one year;
- increasing the penalty from five to ten years for the separate finding that a firearm was discharged during the commission of a noncapital felony pursuant to §30-18-15, except when the offender is a youthful offender who received an adult sentence, the sentence imposed may be increased by three years; and
- increasing the penalty from five to ten years for a second or subsequent offense for crimes pursuant to §30-18-16(A), (B) or (C), except when the offender is a youthful offender who received an adult sentence, the sentence imposed may be increased by three years.

Senate Bill 160 does not contain an effective date and would become effective 90 days following adjournment of the Legislature, or on May 20, 2026, if signed into law.

#### **FISCAL IMPLICATIONS**

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. These additional costs are not capable of quantification.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

The legislature increased the penalties in §30-18-16 in 2020, and add a new section for second or subsequent offense. Despite the increase in the penalty for these serious felony offenses involving a firearm, there is no indication that this helped deter criminal behavior. This bill doubles the time a defendant would serve if a separate finding confirms the use of a firearm. With this significant increase in sentencing penalties, defendants are more likely to reject plea

offers and elect to take their case to trial.

## **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

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

**ADMINISTRATIVE IMPLICATIONS** – none identified.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP** – none identified.

**TECHNICAL ISSUES** – none.

**OTHER SUBSTANTIVE ISSUES** – none identified.

**ALTERNATIVES** – none.

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

**AMENDMENTS** – none.