

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 160 amends Section 31-18-16 NMSA 1978, regarding the alteration of the basic sentence for offenses when a firearm is used, brandished or discharged, to increase the applicable sentencing enhancements unless the offender is a serious youthful offender or a youthful offender who received an adult sentence.

SB 160 increases the sentencing enhancement from one year to two years when a firearm was used in relation to a drug transaction, during the commission of aggravated burglary, or in a serious violent offense.

SB 160 increases the sentencing enhancement from three years to six years when a firearm was brandished in the commission of a noncapital felony.

SB 160 increases the sentencing enhancement from five years to ten years when a firearm was discharged in the commission of a noncapital felony.

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

In FY 2024, the most recent year for which the NMSC has access to court data, there were 158 cases with firearm enhancements. The average increase in sentence length from these enhancements was 3.1 years per case, with a range from one to six years.

It is difficult to determine what the effect of passing SB 160 would be on the state's prison population, but the doubling of sentencing enhancements for the use, brandishing, or discharge of a firearm 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