

HOUSE BILL 59

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

INTRODUCED BY

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AN ACT

RELATING TO CRIME; INCREASING THE PENALTY FOR A SECOND DEGREE  
FELONY RESULTING IN THE DEATH OF A HUMAN BEING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-18-15 NMSA 1978 (being Laws 1977,  
Chapter 216, Section 4, as amended) is amended to read:

"31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--  
BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS  
DEDUCTIONS.--

A. As used in a statute that establishes a  
noncapital felony, the following defined felony classifications  
and associated basic sentences of imprisonment are as follows:

FELONY CLASSIFICATION	BASIC SENTENCE
first degree felony	
resulting in the death	

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1	of a child	life imprisonment
2	first degree felony for	
3	aggravated criminal sexual	
4	penetration	life imprisonment
5	first degree felony	eighteen years imprisonment
6	second degree felony	
7	resulting in the death of	
8	a human being	[ <del>eighteen</del> ] <u>twenty-five</u> years
9		imprisonment
10	second degree felony for a	
11	sexual offense against a	
12	child	fifteen years imprisonment
13	second degree felony for	
14	sexual exploitation of	
15	children	twelve years imprisonment
16	second degree felony	nine years imprisonment
17	third degree felony resulting	
18	in the death of a human being	six years imprisonment
19	third degree felony for a	
20	sexual offense against a	
21	child	six years imprisonment
22	third degree felony for sexual	
23	exploitation of children	eleven years imprisonment
24	third degree felony	three years imprisonment
25	fourth degree felony for	

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1 sexual exploitation of  
2 children ten years imprisonment  
3 fourth degree felony eighteen months imprisonment.

4 B. The appropriate basic sentence of imprisonment  
5 shall be imposed upon a person convicted and sentenced pursuant  
6 to Subsection A of this section, unless the court alters the  
7 sentence pursuant to the provisions of the Criminal Sentencing  
8 Act.

9 C. A period of parole shall be imposed only for  
10 felony convictions wherein a person is sentenced to  
11 imprisonment of more than one year, unless the parties to a  
12 proceeding agree that a period of parole should be imposed. If  
13 a period of parole is imposed, the court shall include in the  
14 judgment and sentence of each person convicted and sentenced to  
15 imprisonment in a corrections facility designated by the  
16 corrections department authority for a period of parole to be  
17 served in accordance with the provisions of Section 31-21-10  
18 NMSA 1978. If imposed, the period of parole shall be deemed to  
19 be part of the sentence of the convicted person in addition to  
20 the basic sentence imposed pursuant to Subsection A of this  
21 section together with alterations, if any, pursuant to the  
22 provisions of the Criminal Sentencing Act.

23 D. When a court imposes a sentence of imprisonment  
24 pursuant to the provisions of Section 31-18-15.1, 31-18-16 or  
25 31-18-17 NMSA 1978 and suspends or defers the basic sentence of

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1 imprisonment provided pursuant to the provisions of Subsection  
2 A of this section, the period of parole shall be served in  
3 accordance with the provisions of Section 31-21-10 NMSA 1978  
4 for the degree of felony for the basic sentence for which the  
5 inmate was convicted. For the purpose of designating a period  
6 of parole, a court shall not consider that the basic sentence  
7 of imprisonment was suspended or deferred and that the inmate  
8 served a period of imprisonment pursuant to the provisions of  
9 the Criminal Sentencing Act.

10 E. The court may, in addition to the imposition of  
11 a basic sentence of imprisonment, impose a fine not to exceed:

12 (1) for a first degree felony resulting in the  
13 death of a child, seventeen thousand five hundred dollars  
14 (\$17,500);

15 (2) for a first degree felony for aggravated  
16 criminal sexual penetration, seventeen thousand five hundred  
17 dollars (\$17,500);

18 (3) for a first degree felony, fifteen  
19 thousand dollars (\$15,000);

20 (4) for a second degree felony resulting in  
21 the death of a human being, twelve thousand five hundred  
22 dollars (\$12,500);

23 (5) for a second degree felony for a sexual  
24 offense against a child, twelve thousand five hundred dollars  
25 (\$12,500);

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- 1                   (6) for a second degree felony for sexual  
2 exploitation of children, five thousand dollars (\$5,000);
- 3                   (7) for a second degree felony, ten thousand  
4 dollars (\$10,000);
- 5                   (8) for a third degree felony resulting in the  
6 death of a human being, five thousand dollars (\$5,000);
- 7                   (9) for a third degree felony for a sexual  
8 offense against a child, five thousand dollars (\$5,000);
- 9                   (10) for a third degree felony for sexual  
10 exploitation of children, five thousand dollars (\$5,000);
- 11                   (11) for a third or fourth degree felony, five  
12 thousand dollars (\$5,000); or
- 13                   (12) for a fourth degree felony for sexual  
14 exploitation of children, five thousand dollars (\$5,000).

15                   F. When the court imposes a sentence of  
16 imprisonment for a felony offense, the court shall indicate  
17 whether or not the offense is a serious violent offense as  
18 defined in Section 33-2-34 NMSA 1978. The court shall inform  
19 an offender that the offender's sentence of imprisonment is  
20 subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37  
21 and 33-2-38 NMSA 1978. If the court fails to inform an  
22 offender that the offender's sentence is subject to those  
23 provisions or if the court provides the offender with erroneous  
24 information regarding those provisions, the failure to inform  
25 or the error shall not provide a basis for a writ of habeas

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1 corpus.

2 G. No later than October 31 of each year, the New  
3 Mexico sentencing commission shall provide a written report to  
4 the secretary of corrections, all New Mexico criminal court  
5 judges, the administrative office of the district attorneys and  
6 the chief public defender. The report shall specify the  
7 average reduction in the sentence of imprisonment for serious  
8 violent offenses and nonviolent offenses, as defined in Section  
9 33-2-34 NMSA 1978, due to meritorious deductions earned by  
10 prisoners during the previous fiscal year pursuant to the  
11 provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38  
12 NMSA 1978. The corrections department shall allow the  
13 commission access to documents used by the department to  
14 determine earned meritorious deductions for prisoners."

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