

LFC Requester:

Austin Davidson

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 16JAN2024

Bill No: HB 77

Sponsor: John Block; Harlan Vincent
Short Title: Reinstate Death Penalty

Agency Name and Code 790- Department of Public Safety
Number: _____
Person Writing Brianne A. Bigej
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(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

This bill amends the Criminal Sentencing Act to reinstate the death penalty by lethal injection for specific capital felony crimes when aggravating circumstances are determined by a jury after an initial finding of guilt and during a separate hearing wherein the jury must decide whether to sentence the defendant to life imprisonment; life imprisonment without the possibility of release or parole; or death.

Along with some modernization and wording updates, this bill’s language is pulled from former, rescinded laws predating the 2009 abolishment of the death penalty. See partial and wholly repealed Sections 31-18-14; 31-18-23; 31-20A-2; 31-20A-2.1; 31-20A-3; 31-20A-4; 31-20A-5; and 31-20A-6; 31-14-1 through 31-14-16, NMSA 1978.

The noted changes to the former death penalty statutes in this bill are:

1) a distinction of aggravating circumstances to be considered as punishable by death or life imprisonment without the possibility of parole by the jury upon conviction. These updates include removing the murder of a peace officer and the murder of an employee or contractor of a penal institution from the list of aggravating circumstances to be considered by the jury for imposition of a death sentence but adding these crimes along with victims under the age of eighteen years and attempted murder of a peace officer to the aggravated circumstances to be considered by the jury for imposition of a sentence of life imprisonment without the possibility of parole;

2) the addition of a requirement that the judge informs the jury at the capital sentencing hearing that the sentence of life imprisonment means the defendant shall serve thirty years before the defendant becomes eligible for a parole hearing; and

3) appropriations made to the NMCD and the AOC to cover costs associated with the bill.

FISCAL IMPLICATIONS

It is anticipated that New Mexico State Police Officers would have increased time in court testifying if House Bill 77 is signed into law. The increased overtime cost is projected to be minimal and can be absorbed by existing Operating Budget.

SIGNIFICANT ISSUES

No significant issues to DPS

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS.

TECHNICAL ISSUES

No technical issues to DPS

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.