

<b>LFC Requester:</b>	<b>Sanchez, Scott</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.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** 1/24/24  
**Bill No:** HB 155

**Sponsor:** Rep. William "Bill" R. Rehm  
**Short Title:** Three Strikes Law

**Agency Name and Code**    AOC  
**Number:**    218  
**Person Writing**    Kathleen Sabo  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Conflicts with HB 77 and SB 97, also amending Section 31-18-23 NMSA 1978.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: HB 155 amends Section 31-18-23 NMSA 1978 to provide that when a defendant is convicted of a third violent felony leading to a sentence of life imprisonment, the life imprisonment sentence shall not be subject to parole, except for geriatric or medical parole as provided in the Probation and Parole Act.

The HB 155 amendment provides that a violent felony conviction incurred by a defendant before the age of 18 shall count as a violent felony conviction when:

- The defendant was sentenced as an adult pursuant to the provisions of Section 31-18-15.3 or 32A-2-20 NMSA 1978; or
- In the case of a violent felony conviction from another state, the defendant was sentenced as an adult pursuant to the laws of that state.

The HB 155 amendment to Section 31-18-23 NMSA 1978 also adds the following offenses to the definition of “violent felony” as used in the Criminal Sentencing Act: (1) Voluntary manslaughter, Section 30-203(A) NMSA 1978; (2) Involuntary manslaughter, Section 30-203(B) NMSA 1978; (3) Aggravated battery, Section 30-3-5 NMSA 1978; (4) Shooting at a dwelling or occupied building resulting in great bodily harm, Section 30-3-8(A) NMSA 1978; (5) Aggravated battery against a household member, Section 30-3-16(C) NMSA 1978; (6) Abuse of a child that results in great bodily harm to the child, Section 30-6-1(E) NMSA 1978; (7) Negligent abuse of a child that results in the death of the child, Section 30-6-1(F) NMSA 1978; (8) Intentional abuse of a child that results in the death of the child, Section 30-6-1(G) or (H) NMSA 1978; (9) Aggravated arson, Section 30-17-6 NMSA 1978; (10) Aggravated battery upon a peace officer, Section 30-22-25(C) NMSA 1978; (11) Homicide by vehicle or great bodily harm by vehicle, Section 66-8-101 NMSA 1978, while under the influence of intoxicating liquor, under the influence of any drug, driving recklessly or resisting, evading or obstructing an officer; (12) Injury to pregnant woman by vehicle while under the influence of intoxicating liquor, under the influence of any drug, driving recklessly or resisting, evading or obstructing an officer.

HB 155 also amends Section 31-21-10 NMSA 1978 to clarify that an inmate who has received a life sentence after a third conviction for a violent felony is not eligible for parole after 30 years, as some other sentenced to life imprisonment are.

HB 155 provides that the provisions of the Act apply to person who have been convicted on, before or after July 1, 2024 of one of the violent felonies described in HB 155, Section 1 for the purpose of determining sentencing enhancements pursuant to that section for subsequent violent felony convictions on or after July 1, 2024.

The effective date of the Act is July 1, 2024.

### **FISCAL IMPLICATIONS**

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, and appeals from convictions. 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.

Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

### **SIGNIFICANT ISSUES**

- 1) Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury trials. Indigent offenders are entitled to public defender services.
- 2) A person convicted of three violent felonies, where at least the third conviction is in New Mexico, is subject to a mandatory sentence of life imprisonment. The sentence of life imprisonment is to be imposed after a sentencing hearing, separate from the trial or guilty plea proceeding resulting in the third violent felony conviction, pursuant to Section 31-18-24 NMSA 1978. Life imprisonment cases take up a considerable amount of judicial time. Expanding the list of violent felonies for a “three strikes” case may increase the amount of work that needs to be done by the courts, thus requiring additional resources to handle the increased workload.
- 3) Currently, a violent felony conviction incurred by a defendant before the defendant reaches 18 years old shall not count as a violent felony conviction under Section 31-18-23 NMSA 1978. HB 155 provides exceptions to allow for the conviction to count as a violent felony when the defendant was sentenced as an adult pursuant to Section 31-18-15.3 or 32A-2-20 NMSA 1978, or in the case of a violent felony conviction from another state, the defendant was sentenced as an adult pursuant to the laws of that state.

### **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**

See “Fiscal Implications,” above.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Conflicts with HB 77 and SB 97, also amending Section 31-18-23 NMSA 1978.

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**