

<b>LFC Requester:</b>	<b>Scott Sanchez</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** January 24, 2024  
**Bill No:** HB 155

**Sponsor:** Rehm  
**Short Title:** Three Strikes Law

**Agency Name and Code Number:** NM Sentencing Commission – 354  
**Person Writing:** Keri Thiel  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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>						

(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**

Synopsis:

HB 155 amends the provisions of Section 31-18-23 NMSA 1978, regarding violent felonies that require life imprisonment upon conviction for the third violent felony. The bill would eliminate parole eligibility for anyone sentenced under Section 31-18-23, with an exception for geriatric and medical parole.

HB 155 also changes current law so that violent felonies as defined in Section 31-18-23 may count towards the three strikes for the purposes of Section 31-18-23 if the offense occurred before the person was 18, so long as the defendant was charged as an adult in New Mexico or as an adult in another state.

The bill adds 12 felonies to the definition of “violent felony” for the purposes of the Criminal Sentencing Act, greatly expanding the list of applicable offenses.

The bill also makes conforming changes to Section 31-21-10 NMSA 1978 (concerning parole authority and procedure).

HB 155 also contains an applicability section, providing that the provisions of the bill would apply to persons who have been convicted on, before or after July 1, 2024 of one of the violent felonies described in Section 1 of the bill, for the purpose of determining sentencing enhancements pursuant to that section for subsequent violent felony convictions on or after July 1, 2024. The bill provides an effective date of July 1, 2024.

**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**

It is difficult to determine what the effect of passing HB 155 would be on the state’s prison population, but it 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 \$156.45/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**