

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	Minimal	Minimal	Moderate	Recurring	General

(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

Senate Bill 96 amends the Criminal Offenses and Criminal Procedure statutes to increase the basic sentence for Attempt to Commit Second Degree Murder and the basic sentence for Second Degree Murder.

Specifically, SB 96 amends the attempt-to-commit-a-felony statute, NMSA 1978, Section 30-28-1, to add a new subparagraph (Paragraph C) that provides a special penalty for attempted murder in the second degree, increasing what would ordinarily be a three-year sentence into a nine-year sentence.

Regarding the basic sentence for Second Degree Murder, SB 96 amends NMSA 1978, Section 31-18-15(A), to increase the basic sentence for the commission of a second-degree felony resulting in the death of a human being from 15 years to 18 years.

These changes to the second-degree murder statutes would better align the sentencing for these violent offenses with the gravity of the offenses themselves.

FISCAL IMPLICATIONS

These changes to the criminal statutes will have an immediate positive impact on public safety and will not present significant fiscal implications to the State of New Mexico. There will be an additional budgetary load to the Department of Corrections, but those costs may be offset by the corresponding, significant reduction of costs imposed on the State by recidivist crime among serious violent offenders. SB 96 could potentially impact future funding needs of the Department, as more violent offenders would be completing longer sentences. Due to fluctuations in the inmate population, the complete financial impact may present measurement challenges as the new sentencing standards take effect. At the FY23 expenditure level, the current average cost per inmate per year is \$57,103.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None proposed by the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.