

LFC Requester:	SCOTT SANCHEZ
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**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 23JAN2024

Bill No: SB 96

Sponsor: Sen. Antonio Maestas
Short Title: Increase Attempted Murder Penalty

Agency Name and Code 790 Department of Public Safety
Number: _____
Person Writing KELLY MILLER
Phone: 505 365-3261 **Email** kelly.miller@dps.nm.gov

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	N/A	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

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

No fiscal implications to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE 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. The changes will not bear fiscal impacts on the Department of Public Safety, and any unforeseen costs may be offset by the corresponding, significant reduction of costs imposed on the State by recidivist crime among serious violent offenders.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship 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.