

LFC Requester:	Scott Sanchez
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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: SB 97

Sponsor: Maestas
Short Title: Crimes of Shooting At and From Motor Vehicles

Agency Name and Code NM Sentencing Commission (354)
Number: _____
Person Writing Douglas Carver
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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)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

SB 97 amends Section 30-3-8, concerning shooting at a dwelling or occupied building and shooting at or from a motor vehicle, to make two distinct crimes that presently are melded together – shooting *from* a motor vehicle, and shooting *at* a motor vehicle. The bill also escalates the penalties for these crimes.

Under SB 97, if no injury is caused by shooting *from* a motor vehicle, the penalty is a third degree felony. If there is an injury, the penalty is a second degree felony. Shooting *at* a motor vehicle would become a second degree felony – there is no injury requirement.

SB 97 also makes conforming changes to Section 30-3-8.1, concerning the procedures for the seizure and forfeiture of a motor vehicle; Section 30-3-8.2, concerning revocation of a driver’s license; Section 31-18-23, concerning the enhanced penalties for three violent felony convictions; and Section 66-5-29, concerning mandatory revocation of a license.

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

SB 97 represents a significant escalation of penalties for shooting from or at a motor vehicle. In present statute, for both crimes the penalty is a fourth degree felony if there is no injury, a third degree felony if there is injury that is not great bodily harm, and a second degree felony only if there is great bodily harm. SB 97 would raise the penalty for shooting *from* a motor vehicle to a third degree felony when there is no injury, and a second degree felony if there is any injury (the level of great bodily harm does not have to be reached). For shooting *at* a motor vehicle, the jump is starker, as the crime would become a second degree felony regardless of whether there is any injury. For shooting *at* a motor vehicle where there is no injury, this would represent a jump from a fourth degree felony to a second degree felony.

It is difficult to determine what the effect of passing SB 97 would be on the state's prison population, but the penalties included in the bill could lead to people being incarcerated by the Corrections Department for longer periods. As of June 30, 2023, there were 44 people incarcerated in the state where shooting at or from a motor vehicle was their highest offense. 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