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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 59

SHORT TITLE: Increase Penalty for Certain Deaths

SPONSOR: Reeb/Terrazas

LAST ORIGINAL
UPDATE: _____ **DATE:** 1/09/26 **ANALYST:** Jacobs

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Public Defender	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Prosecutors	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Total	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

- Agency or Agencies Providing Analysis
- Administrative Office of the Courts
- Administrative Office of the District Attorneys
- Corrections Department
- Department of Public Safety
- Public Defender Department
- New Mexico Attorney General
- New Mexico Sentencing Commission

SUMMARY

Synopsis of House Bill 59

House Bill 59 (HB59) increases the penalty for a second-degree felony resulting in death. The bill amends Section 31-18-15, NMSA 1978, to lengthen the basic sentence for a second-degree felony resulting in the death of a human being. HB59 would increase the penalty for this special class of felony from 18 to 25 years imprisonment.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

HB59 does not contain an appropriation and is not expected to directly affect state revenues. However, implementation would increase long-term costs for New Mexico’s criminal justice agencies, particularly the Corrections Department. Enhanced prison sentences would increase the population of New Mexico’s prisons. According to the New Mexico Sentencing Commission, at the close of FY24 there were 528 individuals held in New Mexico prisons with a lead offense of second-degree murder. Taking into account anticipated meritorious deductions, reduced sentences for good behavior, the median expected length of stay for these individuals was 12.2 years. HB59’s passage would substantially increase the size of this population by increasing the duration of their prison sentence. This cost, however, would not affect correctional facilities until newly sentenced prisoners begin the extended portions of their sentences.

HB59 would also have a limited fiscal impact on the courts and criminal justice attorneys. The Public Defender Department (PDD) observes that higher-penalty trials could increase the agency’s demand for experienced trial attorneys. Prosecuting agencies, such as the district attorneys and Attorney General, would likely face similar constraints. Prosecuting agencies would gain plea-bargaining leverage that could lessen administrative burdens, although this potential reduced burden comes with caveats. PDD analysis notes most convictions for second-degree murder were charged as first-degree murder but the defendant later pled down or the jury rejected the first-degree charge. If the penalty for second-degree murder is similar to the penalty for first-degree murder (30 years), PDD anticipates more defendants will opt out of plea deals and go to trial.

SIGNIFICANT ISSUES

Multiple responding agencies highlight the bill’s limited applicability. State statute on criminal offenses only designates second-degree murder as a “second degree felony resulting in the death of a human being.” Defendants convicted of most other second-degree felonies would continue to serve the standard nine-year sentence.

The penalty for this special class of felony was recently raised from 15 to 18 years during the 2024 legislative session. This change has been in effect for less than two years.

PDD provides the following:

Other enhancements that commonly apply to this type of felony already provide for lengthy penalties beyond the 18 years. For example, if a defendant had prior felonies, then the habitual offender enhancement act would increase the basic sentence by one-year, four-years, or eight-years, depending on the number of priors. Additionally, recent changes to the firearm enhancement statute provide a five (5) year penalty enhancement to any non-capital felony involving the discharge of a firearm, so that any second-degree murder committed with a firearm is already carrying a 23-year sentence.

The New Mexico Attorney General adds:

First-degree non-capital felonies also have an 18-year penalty. If the penalty for second-degree offenses resulting in death increases to 25 years, then those second-degree offenses would have a longer sentence than a first-degree offense. A “less culpable”

homicide would receive a higher basic sentence than first-degree non-capital felonies (e.g., CSP, kidnapping, second conviction for trafficking controlled substances). If this is not the desired effect, consider revising to reconcile these different basic sentences.

OTHER SUBSTANTIVE ISSUES

The Administrative Office of the Courts anticipates litigation challenging the legislation if passed.

HJ/SEC/dw/ct