

LFC Requester: _____

**AGENCY BILL ANALYSIS
2025 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 2.6.25

Bill No: HB 278-280

Sponsor: Nicole Chavez
Short Title: VOLUNTARY MANSLAUGHTER
EXCLUSIONS

Agency Name
and Code 280-LOPD
Number: _____

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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: This bill would amend NMSA 1978, Section 30-2-3(A) which defines voluntary manslaughter to exclude “a sudden quarrel or heat of passion shall not include any conduct in the course of or during an escape from the commission of a felony offense or while resisting a lawful arrest by a law enforcement officer or another person.”

FISCAL IMPLICATIONS

There are likely to be few cases where this exception is at issue, so only moderate impact is envisioned. To the extent the change increases the level of felony for a particular case (something that would have otherwise been voluntary manslaughter that now cannot be classified as such) the change could impact plea negotiations and render some cases somewhat more likely to go to trial, thus bringing an attendant increase in need for resources to maintain compliance with constitutional mandates. However, as discussed below, the law already adequately accounts for these circumstances and the bill is unlikely to have an impact.

SIGNIFICANT ISSUES

Homicide levels include first-degree murder (deliberate, depraved mind, or felony murder); second-degree murder (intended or reckless, but without deliberation); voluntary manslaughter (a second-degree murder committed in response to sufficient provocation); and involuntary manslaughter (unintentional, criminally negligent killings).

Currently, a homicide that happens in the course of a felony, including aggravated fleeing from a police officer, can be charged as felony murder as long as it satisfies the collateral felony rule. *See State v. Groves*, 2021-NMSC-003, ¶ 40, 478 P.3d 915 (“aggravated fleeing a law enforcement officer may serve as a predicate felony for felony murder because it satisfies the causal requirement and the collateral felony rule.”). So many of the escape and resisting scenarios this bill might address could be properly charged as felony murder. As a form of first-degree murder, provocation

does not reduce felony murder to manslaughter, so this exception would not be necessary if felony murder were the charge.

Furthermore, voluntary manslaughter is a less culpable degree of homicide than second degree murder, because the jury must find that the defendant acted as a result of a sufficient provocation from the decedent. It would be a rare case in which a jury would find lawful arrest or the desire to escape from another crime scene constituted sufficient provocation for taking a life. Thus, this proposed exception to voluntary manslaughter is generally unnecessary.

Additionally, the distinctions in mens rea for degree of culpability for a homicide are fact-specific and overall best left to a jury to decide. *See State v. Wasson*, 1998-NMCA-087, ¶ 12, 125 N.M. 656. (the question of a defendant’s “knowledge or intent generally presents a question of fact for a jury to decide.”)

PERFORMANCE IMPLICATIONS

This bill could complicate plea negotiations in certain cases but otherwise adds confusion to a well-settled area of law.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS