

LFC Requester:

SCOTT SANCHEZ

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/6/2025

Check all that apply:

Bill Number: HB278

Original Correction
Amendment Substitute

Sponsor: REP. NICOLE CHAVEZ

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: VOLUNTARY MANSLAUGHTER EXCLUSIONS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: DULICATE OF SB363 (2023)
 Duplicates/Relates to Appropriation in the General Appropriation Act N/A

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Voluntary Manslaughter consists of manslaughter committed upon a sudden quarrel or in the heat of passion. NMSA 1978, Section 30-2-3(A). It is essentially a second-degree murder when the killer acted under sufficient provocation. *See State v. Jernigan*, 2006-NMSC-003, ¶ 18. In *State v. Chavez*, 2022-NMCA-007, the Court of Appeals held that evidence of the victim’s resistance to an armed robbery could have constituted sufficient provocation to the killer who attempted the robbery as to warrant a voluntary manslaughter jury instruction. The Supreme Court first granted, then quashed certiorari, thus leaving *Chavez* as authoritative case law.

HB278, if enacted, would provide that “a sudden quarrel or in the heat of passion” does 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. This language would restrict the situations in which a homicide would qualify as a voluntary manslaughter, but it would not necessarily remove the question from the jury’s consideration, depending on the evidence admitted at trial.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

A potential clarification to HB278 could be to add language that “a sudden quarrel or in the heat of passion” also does not include circumstances in which the defendant was the initial aggressor.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

Only as noted above.