

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
-----------------------	----------------------

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.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}*

**Date Prepared:** 6 FEB 2025 *Check all that apply:*  
**Bill Number:** HB 278 Original  Correction   
 Amendment  Substitute

**Sponsor:** Nicole Chavez **Agency Name and Code** 790 – Department of Public Safety  
**Short Title:** Voluntary Manslaughter **Number:** \_\_\_\_\_  
**Person Writing** Randy Larcher  
**Phone:** 575-386-7712 **Email:** Randyt.larcher@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	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
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Identical to 2023 SB363  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

House Bill 278 (HB278) excludes from the crime of voluntary manslaughter of any conduct in the course of, or during an escape from the commission of a felony offense or while resisting a lawful arrest.

### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

### **SIGNIFICANT ISSUES**

HB 278 introduces new language for voluntary manslaughter that 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.

### **PERFORMANCE IMPLICATIONS**

DPS strongly supports the proposed amendment. By explicitly excluding conduct related to the escape from a felony or resistance to lawful arrest from the definition of "sudden quarrel or heat of passion," this change ensures that individuals cannot claim such actions as a justification for violence during the commission of a crime or while evading arrest. This clarification will enhance the safety of law enforcement officers and the public, holding individuals accountable for violent acts that occur in the context of criminal behavior, while reinforcing the importance of lawful authority in maintaining public order. Additionally, this amendment helps provide a clearer legal framework, preventing potential misuse of the "heat of passion" defense, and ensuring that violent actions taken during criminal conduct or an attempt to flee or resist arrest do not escape proper legal consequences.

Individuals committing felony offenses should be held accountable for their actions, including during the escape or resistance phase. The bill's exclusion of such conduct from voluntary manslaughter ensures that individuals do not use sudden quarrels or heat of passion as a defense when fleeing or resisting lawful arrest, thereby holding criminals to a higher standard of accountability for violent actions during criminal activity.

The current legal ambiguity regarding the application of "sudden quarrel or heat of passion" in cases in which a suspect is attempting to escape or resist arrest can lead to inconsistent legal outcomes. This bill would eliminate such ambiguity and create more consistent and predictable legal standards for prosecutors, judges, and juries. It provides clear guidance that killings occurring during escapes or while resisting arrest are not eligible for a voluntary manslaughter defense, helping officers and the legal system better interpret these situations. With this amendment, offenders who kill someone in these circumstances would no longer be allowed to argue for the lesser offense of voluntary manslaughter and would instead face the more severe crime of first degree or second degree murder.

This bill also indirectly serves to protect law enforcement officers who risk their lives every day while making arrests and pursuing individuals who are fleeing from felony charges. Removing the heat of passion defense in such circumstances would provide law enforcement with greater legal backing to apprehend suspects who might otherwise justify violent encounters as a result of their resistance to arrest.

### **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**

The status quo will remain.

**AMENDMENTS**

None at this time.