

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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: 02/11/2025 *Check all that apply:*
Bill Number: SB330 Original Correction
 Amendment Substitute

Sponsor: Nicholas Paul **Agency Name and Code Number:** 770-NMCD
Short Title: Street Gang Activity Sentencing **Person Writing:** Anisa Griego-Quintana
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	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	0	Minimal	Minimal	Minimal	Recurring	General

(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: Senate Bill 330 would change sentencing guidelines to enhance penalties for gang-related criminal activity (more specifically, if a felony is knowingly committed for the benefit of, at the direction of, or in association with a criminal street gang with the intent to promote, further, or assist in criminal conduct by gang members).

- Additional one year for fourth degree felonies
- Additional two years for third degree felonies
- Additional three years for third degree felonies that result in death
- Additional four years for a second degree felony
- Additional six years for second degree felony resulting in death
- Additional eight years for a first degree felony.

The following felonies are subject to these enhancements:

- Murder
- Voluntary manslaughter
- Aggravated assault
- Assault with intent to commit a violent felony
- Aggravated battery
- Shooting at a dwelling or occupied building or at or from a motor vehicle
- Aggravated stalking
- Kidnapping
- Sexual exploitation of children
- Possession or dangerous use of explosives
- Criminal sexual penetration
- Criminal sexual contact of a minor
- Felony criminal damage to property
- Felony graffiti
- Robbery
- Burglary or aggravated burglary
- Extortion
- Aggravated fleeing a law enforcement officer
- Harboring or aiding a felony
- Aggravated assault or battery on a peace officer
- Assault with intent to commit a violent felony on a peace officer
- Bribery or intimidation of a witness or retaliation against a witness
- Trafficking in a controlled substance
- Unlawful taking of a motor vehicle
- Money laundering.

For the enhanced penalties to be applicable, it must be proved in trial or through a guilty plea beyond a reasonable doubt to a jury or judge.

FISCAL IMPLICATIONS

The proposed enhanced penalties would increase the severity of sentences for offenders convicted of gang-related felonies, with additional years added to sentences depending on the degree of felony and the outcomes of the crime, leading to longer prison sentences. The cumulative effect of these extended sentences could result in an increase in the prison population.

At the FY24 expenditure level, the average cost per inmate is \$56,804 annually, or approximately \$156 per day. Given current trends in inflation and rising operational costs, the future average cost per inmate will exceed the current estimate. Additionally, the average annual cost per individual on community supervision is \$7,074.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.