

LFC Requestor: SANCHEZ, Scott

2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 341

Type: Introduced

Date (of THIS analysis): 02/11/2025

Sponsor(s): J. Block

Short Title: BRINGING BACK THE DEATH PENALTY FOR CHILD ABUSE, POLICE KILLINGS

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

| Appropriation Contained |       | Recurring or Nonrecurring | Fund Affected |
|-------------------------|-------|---------------------------|---------------|
| FY 25                   | FY 26 |                           |               |
| \$0                     | \$0   | N/A                       | N/A           |
|                         |       |                           |               |

REVENUE (dollars in thousands)

| Estimated Revenue |       |       | Recurring or Nonrecurring | Fund Affected |
|-------------------|-------|-------|---------------------------|---------------|
| FY 25             | FY 26 | FY 27 |                           |               |
| \$0               | \$0   | \$0   | N/A                       | N/A           |
|                   |       |       |                           |               |

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|       | FY 25 | FY 26 | FY 27 | 3 Year Total Cost | Recurring or Non-recurring | Fund Affected |
|-------|-------|-------|-------|-------------------|----------------------------|---------------|
| Total | \$0   | \$0   | \$0   | \$0               | N/A                        | N/A           |
|       |       |       |       |                   |                            |               |

### Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: 2024: HB77 2024: HB109

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

### Section IV: Narrative

#### 1. BILL SUMMARY

a) Synopsis

Senate Bill 341 (SB341) proposes to add a new section in Chapter 21, Article 20A NMSA 1978 allowing the death penalty if a person is convicted of causing the death of a child related to criminal offenses involving abandonment or abuse of a child, (Sec. 30-6-1) and the death of a law enforcement officer.

SB341 would allow the death penalty for child abuse or abandonment that results in the death of a child if the abuse was “willful and intentional.” The bill would also allow the death penalty for a person convicted of causing the death of a child while committing a drug-related felony, and for persons convicted of a felony that resulted in the death of a law enforcement officer. SB341 states that the court may impose a lesser sentence but not less than life imprisonment without the possibility of parole “where mitigating circumstances exist,” described in the bill. Convictions resulting in the imposition of the death penalty would be automatically appealed to the Supreme Court.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

Homicide is a leading cause of death among children aged 0 to 17 years in the US. <https://www.cdc.gov/injury/wisqars/LeadingCauses.html> Homicide disproportionately affects boys, older children (e.g., 16- to 17-year-olds), infants (i.e., children younger than 1 year), and children of color (i.e., American Indian or Alaska Native, Black, and Hispanic children). The overall child homicide rate (per 100 000 children) has increased annually, on average 4.3% since 2013, with a precipitous rise from 2019 to 2020 (2019 rate, 2.2; 2020 rate, 2.8; overall increase of 27.7%). [Trends in Homicide Rates for US Children Aged 0 to 17 Years, 1999 to 2020 | Adolescent Medicine | JAMA Pediatrics | JAMA Network](#) In 2020, New Mexico had the 11<sup>th</sup> highest age-adjusted homicide rate in the nation according to CDC WONDER (<https://wonder.cdc.gov/ucd-icd10.html>). New Mexico had the 13th highest homicide rate in the nation during 2020 according to the same data source.

The death penalty has been illegal in New Mexico since 2009, when the state became the 15th in the nation to abolish capital punishment. In 2024, death penalty reinstatement bills were introduced in at least eight states (Hawaii, Illinois, Iowa, Maryland, New Jersey, New Mexico, Virginia, and West Virginia) but largely failed to receive substantial support or action, consistent with trends in recent years. While SB341 would enact the death penalty for willfully causing the death of a child, some states have gone even further, introducing legislation seeking to expand the use of the death penalty to certain non-homicide, sex-related crimes. One bill was enacted in 2023 in Florida, and another in 2024 in Tennessee, which makes the rape of a child, aggravated rape of a child, or especially aggravated rape of a child death-eligible offenses. In 2024, HB109 in New Mexico sought to make aggravated criminal sexual penetration and criminal sexual penetration of a child capital offenses, as well as human sex trafficking of minors a capital offense. This bill was not enacted. [The Death Penalty in 2024: Legislation | Death Penalty Information Center](#) Other states have recently repealed the death penalty, like Delaware in September of 2024. [Capital Punishment Legislation Database](#)

It is not known how the current Executive Orders recently signed might influence death penalty laws. President Donald Trump signed an Executive Order in January 2025 titled Restoring the Death Penalty and Protecting Public Safety. In section 3 of that order, it states “The Attorney General shall encourage State attorneys general and district attorneys to bring State capital charges for all capital crimes with special attention to (i) the murder of a law-enforcement officer.” Also, in sec. 5 of that order it states, “The Attorney General shall take all appropriate action to seek the overruling of Supreme Court precedents that limit the authority of State and Federal governments to impose capital punishment.”

[www.federalregister.gov/documents/2025/01/30/2025-02012/restoring-the-death-penalty-and-protecting-public-safety](http://www.federalregister.gov/documents/2025/01/30/2025-02012/restoring-the-death-penalty-and-protecting-public-safety)

In addition, on February 2025 the United States Attorney General issued a memorandum, the subject being REVIVING THE FEDERAL DEATH PENALTY AND LIFTING THE MORATORIUM ON FEDERAL EXECUTIONS with guidelines that “the Department of Justice will once again act as the law demands—including by seeking death sentences in appropriate cases and swiftly implementing those sentences in accordance with the law.”

[Reviving the Federal Death Penalty and Lifting the Moratorium on Federal Executions](#)

The public health upstream, prevention-oriented approach brings a strong emphasis and commitment to identifying policies and programs aimed at preventing violent behavior, injuries, and deaths. America's predominant response to violence has been a reactive one—to pour resources into deterring and incapacitating violent offenders by apprehending, arresting, adjudicating, and incarcerating them through the criminal justice system. This approach, however, has not made an appreciable difference. [Public Health Policy for Preventing Violence | Health Affairs](#)

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?  
 Yes  No
- Is this proposal related to the NMDOH Strategic Plan?  Yes  No
  
- Goal 1:** We expand equitable access to services for all New Mexicans
- Goal 2:** We ensure safety in New Mexico healthcare environments

**Goal 3:** We improve health status for all New Mexicans

**Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

### 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?  
 Yes  No  N/A
- If there is an appropriation, is it included in the LFC Budget Request?  
 Yes  No  N/A
- Does this bill have a fiscal impact on NMDOH?  Yes  No

### 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

### 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

### 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

### 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  
 No  Unknown

### 8. DISPARITIES ISSUES

Black children in the U.S. as well as those between the ages of 16 and 17 were about 50 percent more likely to become the victim of a homicide in 2020 than just two years earlier. [Death in the United States - Statistics & Facts | Statista](#) This is a result of a study from the scientific journal JAMA Pediatrics. [Trends in Homicide Rates for US Children Aged 0 to 17 Years, 1999 to 2020 | Adolescent Medicine | JAMA Pediatrics | JAMA Network](#) In the study, researchers affiliated with the Centers for Disease Control and Prevention, the U.S. Department of Defense, and Georgia State University analyzed data both from the CDC as well as the National Violent Death Reporting System.

Other groups of children for whom the chance of becoming a homicide victim rose were boys and 11- to 15-year-olds. The rates of homicide in Hispanic children and those between the ages of 6 and 10 also increased, albeit somewhat slower. Generally, black and brown children as well as older children were most at risk of homicide according to the findings. Rates were also up among children in the Southern United States and those living in rural and urban areas.

[Chart: Child Homicide Rates Rise in the U.S. | Statista](#)

**9. HEALTH IMPACT(S)**

None

**10. ALTERNATIVES**

None

**11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If SB341 is not enacted, then a new section in Chapter 21, Article 20A NMSA 1978 allowing the death penalty if a person is convicted of causing the death of a child related to criminal offenses involving abandonment or abuse of a child (Sec. 30-6-1) and the death of a law enforcement officer will not be created.

**12. AMENDMENTS**

None