

LFC Requester:	<i>Scott Sanchez</i>
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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: 2/11/25 *Check all that apply:*
Bill Number: SB 341 Original Correction
 Amendment Substitute

Sponsor: J. Block **Agency Name and Code:** NM CVRC/ 78000
Short Title: Death Penalty for Certain Crimes **Number:** _____
Person Writing: Claire Harwell/Frank Zubia
Phone: 505-553-1223 **Email:** Frank.Zubia@cvrc.nm.gov

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	0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB 95, SB 187, HB 322
Duplicates/Relates to Appropriation in the General Appropriation Act : n/a

SECTION III: NARRATIVE

BILL SUMMARY: *The bill establishes a penalty of death for these offenses: willful and intentional child abuse resulting in death, causing the death of a child in the commission of a felony offense under the Controlled Substances Act, and causing the death of a law enforcement officer in the commission of a felony. The minimum sentence for these offenses would be life without parole. Aggravating circumstances for imposition of capital sentencing shall include: prior convictions for child abuse/neglect, prior involvement with CYFD where the defendant failed to comply, degree of suffering inflicted, the age of the child, premeditation/planning, prior serious violent offense, killing multiple victims, endangering community members, gang/cartel membership. A separate hearing is to be held to determine if a jury unanimously finds that the death penalty is warranted by the facts of an individual case. Mitigation would be proven by the defendant by a preponderance of the evidence. All constitutional guarantees would be provided procedurally and substantively.*

Synopsis: *The bill makes two offenses resulting in the death of a child, and the crime of causing the death of a law enforcement officer, punishable by a sentence of death. Nine aggravating circumstances are established.*

FISCAL IMPLICATIONS

CVRC doesn't anticipate fiscal consequences to CVRC. Victim compensation is capped at \$20,000 which may be more quickly reached in fatalities with burial expenses, medical expenses in the case of fatal wounding from crime, and counseling costs for victims' family members.

Attendance at court proceedings is a legal right that must be supported for all victims' families. Capital punishment leads to more legal proceedings than other types of crimes. Victim's families would need victim compensation to attend appeals and other types of court proceedings unique to capital cases. CVRC would provide victim compensation for reimbursement for travel expenses to attend these events up to the reimbursement cap amount, as AOC's available reimbursement is for trial travel expenses only..

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The bill is procedurally confusing in its use of the word "shall" for sentencing to the death penalty. Past statutes of this type laid out the procedure sequentially to clarify that eligibility for the death penalty was established first by a separate hearing with the need for a unanimous finding by a jury.

The bill is substantively confusing by stating a person "convicted for any related acts that led to the death of the law enforcement officer shall be sentenced to death." This seems to be wide reaching phrasing for capital punishment.

PERFORMANCE IMPLICATIONS

None for CVRC.

ADMINISTRATIVE IMPLICATIONS

None for CVRC.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP: *SB 95, SB 187, and HB 322 all relate to offenses which are proposed for punishment by death.*

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Existing penalty structure would continue.

AMENDMENTS

None suggested.