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FISCAL IMPACT REPORT

SPONSOR Chavez, N. **LAST UPDATED** _____
ORIGINAL DATE 02/10/2025
BILL
SHORT TITLE Voluntary Manslaughter Exclusions **NUMBER** House Bill 278
ANALYST Lobaugh

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

| Agency/Program | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|----------------|------------------|----------------|----------------|-------------------|---------------------------|---------------|
| NMCD | No fiscal impact | \$0 to \$159.6 | \$0 to \$159.6 | \$0 to \$319.2 | Recurring | General Fund |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Department of Public Safety (DPS)

New Mexico Corrections Department (NMCD)

New Mexico Sentencing Commission (NMSC)

Agency Analysis was Solicited but Not Received From

Administrative Office of the Courts (AOC)

Law Office of the Public Defender (LOPD)

Administrative Office of the District Attorneys (AODA)

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of House Bill 278

House Bill 278 (HB278) amends the definition of voluntary manslaughter within the state Criminal Code. Voluntary manslaughter is the unlawful killing of a human being without malice (aforethought intent to kill) committed upon a sudden quarrel or in the heat of passion.

HB278 adds language to the definition of voluntary manslaughter to specify that the terms “sudden quarrel” and “heat of passion” do not include conduct during the course of, or during an escape from, the commission of a felony or while resisting a lawful arrest by a law enforcement officer or another person.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

HB278 does not include an appropriation.

Incarceration drives costs in the criminal justice system, so any changes in the number of individuals in prison and jail and the length of time served in prison and jail that might result from HB278 could have moderate fiscal impacts. The increase of felony degree will likely increase the population of New Mexico's prisons and jails, consequently increasing long-term costs to state and county general funds.

The New Mexico Corrections Department (NMCD) reports the average cost to incarcerate a single inmate in FY22 was \$54.9 thousand; however, due to the high fixed costs of the state's prison facilities and administrative overhead, LFC estimates a marginal cost (the cost per each additional inmate) of \$26.6 thousand per year across all facilities.

If 10 individuals statewide were charged and convicted of second-degree murder (with a basic sentence of 15 years) instead of voluntary manslaughter (with a basic sentence of 6 years) in FY26 as a result of HB278, the total increased marginal cost would be \$2.4 million for an additional 9 years of incarceration for 10 people. If the additional \$2.4 million in marginal costs were spread out over the whole sentence of 15 years, that would equate to increased marginal cost of \$159.6 thousand per year.

SIGNIFICANT ISSUES

House Bill 278 would prevent individuals who kill someone during the course of, or during an escape from committing a felony from arguing for the lesser offense of voluntary manslaughter. Those individuals would instead face the more severe charges of first- or second-degree murder.

Voluntary manslaughter is a third-degree felony resulting in the death of a human being which carries a basic sentence of 6 years imprisonment. Second degree murder is a second-degree felony resulting in the death of a human being and carries a basic sentence of 15 years imprisonment. Felony murder is a first-degree felony, which carries a basic sentence of 18 years imprisonment.

Research shows the certainty of being caught is a more powerful deterrent to crime than severity of punishment. As a result, increasing penalties for crimes is unlikely to produce a significant impact on the number of crimes committed. Prioritizing solving crimes and securing convictions, particularly for serious offenses, could be much more impactful to community safety. In New Mexico, punishment has grown less certain as crime has increased, with fewer violent crimes solved and more violent felony cases dismissed. LFC's evaluation team has found in the 2nd Judicial District (Bernalillo County) that neither arrests, convictions, nor prison admissions have tracked fluctuations in felony crime, and when felonies rose in 2020, accountability for those crimes fell. Improving policing and increasing cooperation and coordination among criminal justice partners could help increase the certainty of punishment for the most violent offenses and provide a stronger deterrent to serious crime.