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FISCAL IMPACT REPORT

SPONSOR: Park DATE TYPED: 03/02/01 HB 937
 SHORT TITLE: Life Imprisonment for Certain Offenders SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		Indeterminate -- See Narrative		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 694 and HB 437

SOURCES OF INFORMATION

Attorney General's Office (AGO)
 Corrections Department (CD)
 Public Defender Department (PDD)
 Administrative Office of the Courts (AOC)
 Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

The Life Imprisonment for Certain Offenders bill denies parole eligibility to inmates who are serving three types of life sentences under existing law: first-degree murder, a "three strikes" sentence and a second conviction for a violent sexual offense. The bill, if enacted, would require such an inmate to remain in prison for the "entirety of his natural life." The proposal repeals the current law delineating the factors the Parole Board is required to consider before it can grant parole to someone serving a life sentence.

FISCAL IMPLICATIONS

In later years, the bill may result in increased costs to the Corrections Department due to the requirement for housing a significant number of offenders for the remainder of their natural lives. As these offenders get nearer to the end of their lives, their medical costs tend to increase substantially. On the other hand, the bill could result in a minor to moderate reduction in costs to the Department if it serves as a deterrent to any potential offenders.

The private prison annual cost of incarcerating an inmate based upon Fiscal Year 00 actual expendi-

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tures is \$21,670 per year for males. The cost per client to house a female inmate at the privately operated facility in Grants is \$24,348 per year. Any net increase in inmate population will be housed at a private facility.

The Public Defender Department reports that increasing the penalty for “three-strikes” defendants have a tendency to increase jury trials which are more expensive than plea cases. Jury trials are significantly more expensive than plea cases. The Public Defender Department estimates an additional cost of \$500.0 for additional staff and contract attorneys.

Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

TECHNICAL ISSUES

The Attorney General’s Office reports that if this bill is enacted, the last sentence of NMSA 1978, § 31-18-25 (A) (1997), would still read, “The life sentence shall be subject to parole pursuant to the provisions of Section 31-21-10.” The Legislature may want to consider repealing this language as well.

The bill does not address or specifically exempt the provisions of the Medical or Geriatric Parole Act, NMSA 1978, § 31-21-25.1 (1994), leaving open the question of whether these new provisions override that act.

OTHER SUBSTANTIVE ISSUES

The bill applies to persons convicted of two violent sexual offenses against adults, under Subsection A of Section 31-18-25, NMSA 1978. Persons convicted and sentenced for two violent sexual offenses against children, under Subsection B of that statute, are already subject to a sentence of life without possibility of parole, so the statute would erase the current distinction in sentence between violent sexual offenses against adults and those against children.

CYFD notes that some have criticized the “three strikes and you’re out” legislation on the grounds that offenders who face life imprisonment may be more likely to kill victims/witnesses or use extreme measures to avoid apprehension. This would negate the desired deterrent effect.

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