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FISCAL IMPACT REPORT

SPONSOR Komadina DATE TYPED 1/26/05 HB _____

SHORT TITLE Life Imprisonment Without Parole SB 173

ANALYST Peery

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
 New Mexico Sentencing Commission (NMSC)
 Parole Board (PB)
 Administrative Office of the District Attorneys (AODA)
 Bernalillo County Metro Court

No Response

Administrative Offices of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 173 requires all adult persons, 18 years and older, convicted of a capital felony to be punished by life imprisonment without any possibility of release or parole. A capital felony in New Mexico is First Degree Murder. If a capital felon's death penalty is invalidated, the bill requires that the capital felon will then serve life imprisonment without any possibility of parole. The bill expands the definition of serious violent offense of kidnapping resulting in great bodily harm inflicted to kidnapping resulting physical injury or a sexual offense upon the victim. The bill requires mentally retarded defendants guilty of a capital felony to be sentenced to life im-

prisonment without parole, and not be given the death penalty. Also, the bill adds to the list of aggravating circumstances to be considered by the sentencing judge or jury in determining whether to impose upon the defendant the death penalty or life imprisonment without parole. Those aggravating circumstances include murdering a person because of their present or former status as a peace officer or employee of the corrections department; killing two or more people in a single incident; for a killing done in a heinous manner; and murdering a child less than 13 years of age.

PERFORMANCE IMPLICATIONS

The AODA states any additional aggravating circumstance for the death penalty will increase the number of death penalty cases investigated, charged, prosecuted, and appealed. Death penalty prosecutions require a significant amount of resources from the District Attorneys, Public Defenders and the courts.

FISCAL IMPLICATIONS

The AODA reports as various laws have been passed either creating new offenses or enhancing penalties district attorneys' caseloads have increased.

NMCD reports that life imprisonment with no possibility of parole will result eventually in a larger and older prison population. Costs will incur with an older prison population from geriatric services that include hospital care and disability accommodations.

ADMINISTRATIVE IMPLICATIONS

The AODA states the result of more death penalty cases referred to the district attorneys for prosecution will increase current workload.

NMCD states that the bill could increase administrative burdens as a result of a larger number of violent offenders being incarcerated for life.

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