

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/analysis) 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: 23 JAN 2025

Check all that apply:

Bill Number: HB 102

Original Correction Amendment Substitute

Sponsor: Andrea Reeb
 Short Title: Violent Felonies for Meritorious Deduction

Agency Name

and Code

790 – Department of Public Safety

Number:

Person Writing Alexander J. RodriguezPhone: (575)781-3960 Email: Alexander.rodriguez@dps.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Classifies any homicide by vehicle or great bodily harm by vehicle as a serious violent offense for the purpose of earning meritorious deductions from criminal sentencing. Currently, only a third-degree homicide or great bodily harm by vehicle is so classified.

House Bill 102 amends Section 33-2-34 NMSA 1978 to classify homicide by vehicle and great bodily harm by vehicle as **serious violent offenses** for the purpose of determining eligibility for earned meritorious deductions in New Mexico correctional facilities. This classification limits the amount of time offenders convicted of these crimes can deduct from their sentences through participation in rehabilitation programs. The bill is designed to ensure that individuals convicted of these severe vehicular crimes serve a greater portion of their sentences, reinforcing accountability and enhancing public safety.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

Expands the current level homicide or great bodily harm by vehicle classifications that was limited only to third-degree felony convictions to include to all levels of felonies to be classified as serious violent offenses by eliminating the limitation in the current statute, Section 33-2-34 NMSA 1978. This change will have the effect of significantly more defendants convicted of homicide or great bodily harm by vehicle spending substantially longer time in New Mexico correctional facilities by earning fewer days of meritorious deductions and completing their sentences before serving parole. Section 33-2-34 references homicide by vehicle or great bodily harm by vehicle, as provided in Section 66-8-101. Section 66-8-101 makes convictions for great bodily harm by vehicle while under the influence of intoxicating liquor, while under the influence of any drug a third-degree felony and a person who commits homicide by vehicle while under the influence of intoxicating liquor or while under the influence of any drug is guilty of a second -degree felony.

Therefore, the bill has the effect of adding more serious convictions for homicide or great bodily harm by vehicle (second-degree homicide or great bodily harm by vehicle convictions) to the existing third-degree convictions being classified as serious violent offenses. There are no misdemeanor crimes of homicide or great bodily harm by vehicle listed in Section 66-8-101. This statute clearly delineates these offenses as felonies, specifying the degree (second or third) and the sentencing guidelines under Section 31-18-15 NMSA 1978. This implies that the level of punishment is statutorily mandated and not left to judicial discretion for reduction in severity from felony to misdemeanor.

PERFORMANCE IMPLICATIONS

The New Mexico Department of Public Safety believes that reclassifying homicide by vehicle and great bodily harm by vehicle as serious violent offenses may deter dangerous driving behaviors. This change will also reinforce the State's strong stance against such actions.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None.