

LFC Requester:	Sanchez, Scott
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: 2/6/25 *Check all that apply:*
Bill Number: HB 280 Original Correction
 Amendment Substitute

Sponsor: Rep. Nicole Chavez **Agency Name and Code** AOC
Short Title: Additional Violent Felonies **Number:** 218
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Conflicts with SB 35 (also amending Section 31-18-23 NMSA 1978) and SB 17 (also amending Section 31-21-10 NMSA 1978).

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 280 amends Section 31-18-23(A) NMSA 1978, within the Criminal Sentencing Act (CSA), to eliminate the possibility of parole for a defendant convicted of a third violent felony and sentenced to life imprisonment, except for geriatric or medical parole as provided in Section 31-21-25.1 NMSA 1978. The amendment further provides, under Subsection C, that a violent felony conviction incurred by a defendant before the age of eighteen shall count as a violent felony conviction when the defendant was sentenced as an adult pursuant to Section 31-18-15.3 or 32A-2-20 NMSA 1978 or, in the case of a violent felony conviction from another state, the defendant was sentenced as an adult pursuant to that state's laws. Additionally, the HB 280 amendment to Section 31-18-23(E) to include the following within the definition of "violent felony," as used in the CSA:

- voluntary manslaughter, as provided in Subsection A of Section 30-2-3 NMSA 1978;
- involuntary manslaughter, as provided in Subsection B of Section 30-2-3 NMSA 1978;
- aggravated battery, as provided in Subsection C of Section 30-3-5 NMSA 1978;
- shooting at a dwelling or occupied building resulting in great bodily harm, as provided in Subsection A of Section 30-3-8 NMSA 1978;
- aggravated battery against a household member, as provided in Subsection C of Section 30-3-16 NMSA 1978;
- abuse of a child that results in great bodily harm to the child, as provided in Subsection E of Section 30-6-1 NMSA 1978;
- negligent abuse of a child that results in the death of the child, as provided in Subsection F of Section 30-6-1 NMSA 1978;
- intentional abuse of a child that results in the death of the child, as provided in Subsection G or H of Section 30-6-1 NMSA 1978;
- aggravated arson, as provided in Section 30-17-6 NMSA 1978;
- aggravated battery upon a peace officer, as provided in Subsection C of Section 30-22-25 NMSA 1978;
- homicide by vehicle or great bodily harm by vehicle, as provided in Section 66-8-101 NMSA 1978, while: 1) under the influence of intoxicating liquor; 2) under the influence of any drug; 3) driving recklessly, as provided in Section 66-8-113 NMSA 1978; or 4) resisting, evading or obstructing an officer, as provided in Section 30-22-1 NMSA 1978; and
- injury to pregnant woman by vehicle, as provided in Section 66-8-101.1 NMSA 1978, while: 1) under the influence of intoxicating liquor; 2) under the influence of any drug; 3) driving recklessly, as provided in Section 66-8-113 NMSA 1978; or 4) resisting, evading or obstructing an officer, as provided in Section 30-22-1 NMSA 1978.

HB 280 also characterizes as violent felonies, all criminal sexual penetration in the second degree and criminal sexual penetration in the fourth degree, as listed in Section 30-9-11 NMSA 1978, Subsections E and F; and robbery while armed with a deadly weapon, as

provided in Section 30-16-2 NMSA 1978, whether resulting in great bodily harm, or not.

HB 280 also amends Section 31-21-10 NMSA 1978, governing parole authority and procedure, to recognize the elimination of parole for a defendant convicted of a third violent felony and sentenced to life imprisonment.

HB 280 provides that the Act applies to person convicted on, before or after July 1, 2025 of one of the violent felonies described in SB 280, Section 1 for the purpose of determining sentencing enhancements pursuant to that section for subsequent violent felony convictions on or after July 1, 2025.

The effective date of the Act is July 1, 2025.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. 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.

Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

SIGNIFICANT ISSUES

1) The HB 280 amendments increasing penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

2) A person convicted of three violent felonies, where at least the third conviction is in New Mexico, is subject to a mandatory sentence of life imprisonment. The sentence of life imprisonment is to be imposed after a sentencing hearing, separate from the trial or guilty plea proceeding resulting in the third violent felony conviction, pursuant to Section 31-18-24 NMSA 1978. Life imprisonment cases take up a considerable amount of judicial time. Expanding the list of violent felonies for a “three strikes” case may increase the amount of work that needs to be done by the courts, thus requiring additional resources to handle the increased workload.

3) Currently, a violent felony conviction incurred by a defendant before the defendant reaches 18 years old shall not count as a violent felony conviction under Section 31-18-23 NMSA 1978. HB 280 provides exceptions to allow for the conviction to count as a violent felony when the defendant was sentenced as an adult pursuant to Section 31-18-15.3 or 32A-2-20 NMSA 1978, or in the case of a violent felony conviction from another state, the defendant was sentenced as an adult pursuant to the laws of that state.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed

- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with SB 35 (also amending Section 31-18-23 NMSA 1978) and SB 17 (also amending Section 31-21-10 NMSA 1978).

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS