

LFC Requestor: SANCHEZ, Scott

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: House
Number: 280

Category: Bill
Type: Introduced

Date (of THIS analysis): 2/6/25
Sponsor(s): Nicole Chavez, Andrea Reeb, Harlan Vincent
Short Title: Additional Violent Felonies

Reviewing Agency: Agency 665 – Department of Health
Analysis Contact Person: Arya Lamb
Phone Number: 505-470-4141
e-Mail: arya.lamb@doh.nm.gov

Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

| Appropriation Contained | | Recurring or Nonrecurring | Fund Affected |
|-------------------------|-------|---------------------------|---------------|
| FY 25 | FY 26 | | |
| \$0 | \$0 | N/A | N/A |
| | | | |

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|-------|-------|---------------------------|---------------|
| FY 25 | FY 26 | FY 27 | | |
| \$0 | \$0 | \$0 | N/A | N/A |
| | | | | |

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY 25 | FY 26 | FY 27 | 3 Year Total Cost | Recurring or Non-recurring | Fund Affected |
|--------------|-------|-------|-------|-------------------|----------------------------|---------------|
| Total | \$ | \$ | \$ | \$ | | |
| | | | | | | |

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: HB107, HB134, HB248

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 280 (HB280) proposes to expand the definition of “violent felony” by:

- Defining the types of violent offenses that are strikable offenses (i.e., count toward three strikes)
- Having a mandatory life sentence for violent offenders with three strikes
- Eliminating parole with exceptions for geriatric or medical parole for defendants with 3 felony strikes that are sentences to life imprisonment
- Including violent convictions before age 18 [as strikable offenses] if the defendant was sentenced as an adult in NM or another state

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Homicide deaths in New Mexico

New Mexico (NM) has had one of the highest age-adjusted firearm death rates in the United States (US) over the past five years (2019-2023) ([CDC WONDER](#)). More specifically,

- Between 2019 and 2023, the age adjusted homicide death rate in NM increased by 25% from 11.8 (in 2019) to 14.7 (in 2023) per 100,000 residents
- In 2023, NM had the sixth highest age adjusted homicide death rate in the U.S.
- In 2023, the age adjusted homicide death rate in NM (14.7 per 100,000 residents) is over 107% higher than the U.S. (7.1 per 100,000 residents)
- Homicide with a firearm increased by 29% from 158 (in 2019) to 204 (in 2023). The number of homicides with a firearm also peaked in 2021 (224 firearm deaths), a 42% increase between 2019 and 2021 (Unpublished data, [NM BVRHS](#)).
 - In 2022, there were a total of 550 firearm-related deaths in NM that included 214 homicides, which represents 39% of all firearm deaths in NM (Unpublished data, [NM BVRHS](#)).

- In 2022, 77.0% (or 214 out of 278) of homicides involved a firearm (Unpublished data, [NM BVRHS](#)).

The Impact of Three-Strikes Laws

Tonry (2013) traced the changes in sentencing philosophies in the U.S. between 1975 and 2025 ([Crime and Justice in America 1975-2025 | Office of Justice Programs](#)). He reviewed the empirical research on the impact of three strikes laws [which typically require minimum 25 year sentences for individuals convicted of a third felony] and life without possibility of parole laws and found that:

- All states and the federal government enacted mandatory minimum sentences for drug and violent crimes or for “repeat” or “career” criminals that often included 5, 10, or 20+ longer sentences (in the 1980s and 1990s as part of the tough on crime initiatives)
- The combined local, state, and federal incarceration rates increased by 500% (peaked in 2007) before dropping; and
- Three-strikes laws were major contributors to this increase in prison populations

Chen (2008) examined the impact of three strikes laws in California and the U.S. on crime rates by analyzing state level data from 1986 to 2005

(<https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=2189510>).

Several key findings from previous studies on three strikes were that:

- There was conflicting evidence [soon after California’s three strikes law was passed] from supporters of three strikes laws (claiming that three strikes was the main factor explaining the dramatic drop in CA crime rates) and opponents of three strikes (claiming that it had little or no impact on crime).
 - However, these simple before/after comparisons lacked methodological rigor.
- More sophisticated analyses [using various data sources and methodologies] produced conflicting/inconsistent results that ranged from:
 - Strong support for significant deterrent effects on murder, assault, robbery, and burglary rates
 - Modest support for deterrent effects on crime; to
 - Little or no support for deterrent effects
- Three strikes laws can have unintended consequences that include: (a) strain on local law enforcement operations, jail systems, and courts; (b) prison overcrowding and increased rates of release from prison; and (c) escalating long term costs as prisoners [sentenced to longer prison sentences] grow older and require more expensive healthcare

Chen’s (2008) analysis compared serious property and violent crime: (a) before the law was enacted in each state (about 8 or 9 years before) versus after the law was enacted (11 or 12 years after implementation). Several key findings were that:

- There is were small but significant reductions in property crimes after implementation of three strikes laws. More specifically,
 - Robbery dropped 3% more rapidly after implementation of three strikes (compared to the years before the law was implemented)
 - Burglary dropped 2% more rapidly after implementation of three strikes (compared to the years before the law was implemented)
 - Motor vehicle theft fell 2% more rapidly after implementation of three strikes (compared to the years before the law was implemented)
- However, three strikes laws resulted in a 13% increase in murder rates (compared to the years before the law was implemented), which is consistent with the findings of other studies.

Marvell & Moody (2001) used state level data between 1970 and 1998 to examine the impact of three strikes laws on crime rates ([The-Lethal-Effects-of-Three-Strikes-Laws](#)). Their key finding was that:

- States with three strike laws had 10-12% more homicides in the short run & 23-29% more homicides in the long run

Kovandzic et al. (2004) evaluated the impact of three strikes laws on crime rates using FBI data (from the Uniform Crime Reports) from 188 cities with populations of 100,000+ between 1980 and 2000 ([“Striking out” as crime reduction policy: The impact of “three strikes” laws on crime rates in U.S. cities: Justice Quarterly: Vol 21, No 2](#)). Their key findings were that:

- Cities in three strike states had higher homicide rates
- Cities in three strike states also had no significant reduction in crime rates

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

If yes, describe how.

- Is this proposal related to the NMDOH Strategic Plan? Yes No

- Goal 1:** We expand equitable access to services for all New Mexicans
- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

Yes No N/A

- If there is an appropriation, is it included in the LFC Budget Request?

Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

- HB280 relates to HB 107 which increases penalties for drug trafficking and trafficking resulting in death. (Penalty for Drug Trafficking & Death)
- HB280 relates to HB 134 which imposes increased penalties on minors who have been found guilty of committing severe crimes including, murder, armed robbery, and drive by shooting.
- HB280 relates to HB 248 which creates the crime of carrying a firearm while trafficking a controlled substance

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

Homicide Deaths for Children & by Race/Ethnicity in NM

- Between 2020 and 2023, the child (age 0-17) death [crude] rate for homicide increased by 16% from 20.8 (in 2020) to 24.2 (in 2023) per 100,000 residents ([NM-IBIS - Welcome to IBIS-PH -- Our State's Public Health Data Resource](#))
- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the US (under 19 years old). In 2021, firearms remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihem.org\)](#)).
 - In 2022, firearms were the leading cause of death for children (age 1-18) in New Mexico (Unpublished data, NM BVRHS)
- In NM, between 2019 and 2023, the age adjusted homicide death rate increased by almost 25% among Hispanics, increased by 9% among non-Hispanic Whites, and decreased by 25% among American Indian and Alaska Natives residents ([NM-IBIS - Welcome to IBIS-PH -- Our State's Public Health Data Resource](#)).

9. HEALTH IMPACT(S)

Homicide Deaths in New Mexico

- In 2022, the total annual cost of homicide deaths in NM was \$3.4 billion, representing an annual cost of \$1,612 annually to each NM resident ([CDC WISQARS](#)).
- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the U.S. (under 19 years old). In 2021, firearms has remained the leading cause of death for children in the U.S. ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
- In 2023, NM had the sixth highest age adjusted homicide death rate in the U.S. ([CDC WONDER](#))
- In 2023, the age adjusted homicide death rate in NM (14.7 per 100,000 residents) is over 107% higher than the U.S. (7.1 per 100,000 residents) ([CDC WONDER](#))

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If House Bill 280 (HB280) is not enacted, then there will be no mandatory life sentence for violent offenders with three strikable offenses.

12. AMENDMENTS

None