

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

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov 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: 02/6/2025 *Check all that apply:*
Bill Number: HB280 Original Correction
 Amendment Substitute

Sponsor: Nicole Chavez, Andrea Reeb & Vincent Harlan **Agency Name and Code Number:** 770-NMCD
Short Title: Additional Violent Felonies **Person Writing:** Anisa Griego-Quintana
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	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	0	50.	0	0	Nonrecurring	General

(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

Synopsis: Senate Bill 280 would expand the definition of “violent felony” under the Criminal Sentencing Act to include new specific crimes and allows the parole of geriatric prisoners sentenced to mandatory life imprisonment.

The bill updates the mandatory life imprisonment requirements under Sec. 31-18-23 — the three-strikes-and-you’re-out rule — to provide an exemption that would allow medical parole for geriatric prisoners provided for in the Probation and Parole Act.

The life imprisonment requirement here would honor felony convictions incurred prior to a defendant reaching 18 years of age if they were sentenced as an adult pursuant to Sec. 31-18-15.3 or 32A-2-20, or if they received a felony conviction from another state where they were sentenced as an adult.

Updates the definition “violent felony” in the Criminal Sentencing Act to include the following:

- voluntary manslaughter;
- involuntary manslaughter;
- aggravated battery;
- shooting at a dwelling or occupied building resulting in great bodily harm;
- aggravated battery against a household member;
- abuse of a child that results in great bodily harm to the child;
- negligent abuse of a child that results in the death of a child;
- intentional abuse of a child that results in the death of the child;
- aggravated arson;
- aggravated battery on a peace officer;
- homicide by vehicle or great bodily harm by vehicle while under the influence of alcohol or any drug; or while driving recklessly under Sec. 66-8-113;
- or resisting, evading or obstructing an officer provided under Sec. 30-22-1;
- injury to a pregnant woman by a vehicle under the influence of alcohol, a drug; or while driving recklessly or resisting, evading or obstructing an officer.

Effective date is July 1, 2025.

FISCAL IMPLICATIONS

Expanding the definition of “violent felony” would likely lead to more individuals being classified as violent felons, thereby increasing the number of offenders serving longer prison sentences, requiring the Corrections Department to manage a higher number of inmates convicted of violent crimes. As a result of individuals being sentenced as violent offenders, they would earn less good time at a rate of four days per month rather than thirty days.

Managing more inmates convicted of violent felonies typically leads to higher operational costs,

including staffing, facility maintenance, and specialized programs like mental health or rehabilitation services.

Updating the mandatory life imprisonment requirement under Section 31-18-23 (the three-strikes-and-you're out rule) to provide an exemption for geriatric parole would theoretically lead to a reduction in the number of elderly inmates serving life sentences and reduce long-term operational costs associated with maintaining aging inmates in the prison system.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

If Senate Bill 280 passes, we will need to modify our offender management system's sentencing code to accommodate the changes, including the addition of offenses subject to three-strikes-and-you're out rule, and the outlined exclusions. These changes may also affect the interfaces between the offender management system, the electronic health record system, and other integrated systems. The projected cost would be around \$50k to implement any changes to automated systems, projected timeline would be 3-6 months from the passing of the bill.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.