

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: 02/10/2025 *Check all that apply:*
Bill Number: HB322 Original Correction
 Amendment Substitute

Sponsor: John Block & Stefani Lord & Harlan Vincent **Agency Name and Code Number:** 770-NMCD
Short Title: Increase Penalties for Certain Crimes **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	Moderate	Moderate	Moderate	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

Synopsis: House Bill 322 provides that aggravated criminal sexual penetration and criminal sexual penetration of a child shall be punishable by death (provides certain exceptions); creates a first-degree felony for human sexual trafficking against a person under 18 years, punishable by death; and establishes a fine of \$100,000 for first-degree felony criminal sexual penetration of a child. The death penalty is imposed for this felony classification.

AGGRAVATED CRIMINAL SEXUAL PENETRATION: (Existing definition) Consists of all criminal sexual penetration perpetrated on a child under 13 years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first-degree felony for aggravated criminal sexual penetration. The penalty for this felony classification has been changed from “life imprisonment” to “death.”

CRIMINAL SEXUAL PENETRATION IN THE FIRST DEGREE: Makes the crime of “criminal sexual penetration in the first degree” applicable to ALL sexual penetration perpetrated by the use of force or coercion that results in great bodily harm or great mental anguish to the victim. Makes it a first-degree felony, punishable by death.

CRIMINAL SEXUAL PENETRATION OF A CHILD: Creates three felony categories for differing elements of criminal sexual penetration of a child:

- **FIRST DEGREE--DEATH PENALTY:** “Criminal sexual penetration of a child in the first degree” consists of all criminal sexual penetration perpetrated on a child under 18 years of age. Makes it a first-degree felony. The penalty for this felony classification is “death.”
- **FOURTH DEGREE:** Additionally provides that anyone found guilty of criminal sexual penetration of a child, when the child is 13 to 16 years of age and the perpetrator is at least 18 or at least four years older than the child, and not the spouse of that child, is guilty of a fourth-degree felony.
- **FIRST DEGREE--DEATH PENALTY.** Whoever commits criminal sexual penetration of a child when the perpetrator is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and is at least 18 years of age and is at least four years older than the child and not the spouse of that child, is guilty of a first-degree felony for criminal sexual penetration of a child. The penalty for this felony classification is “death.”

COMMERCIAL SEXUAL ACTIVITY, HUMAN TRAFFICKING, UNDER AGE 18: Whoever commits human trafficking, if the conduct is commercial sexual activity and the victim is under the age of 18, is guilty of a first-degree felony for human sexual trafficking against a victim under the age of 18. The penalty is “death.”

FISCAL IMPLICATIONS

Fiscal implications for the Corrections Department in reestablishing the death penalty cannot be determined at this time. Since the abolition of the death penalty in 2009, there have been

significant changes in legal and operational procedures. Reintroducing the death penalty would likely require updated facilities, specialized staff, and additional resources to manage death row inmates and the execution process, further analysis would be necessary to determine fiscal implications.

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

None for the Corrections Department.

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.