

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/23/25

Check all that apply:

Bill Number: SB 17

Original Correction
Amendment Substitute

Sponsor: Sens. Leo Jaramillo, Nicole Chavez

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Parole & Parole Board Changes

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Section 1 of this bill amends NMSA 1978 Section 31-21-10 (2023) to change when an inmate sentenced to life imprisonment may qualify for parole and to alter the criteria which the Parole Board must consider.

Section 2 amends the short title found at NMSA 1978 Section 31-21-22 (2005), to be the “Parole Board Act.”

Section 3 of this bill amends NMSA 1978 Section 31-21-24 (2005) to provide that Parole Board members may be removed from the Board through a proceeding brought by the governor or the Board only for “incompetence, neglect of duty or malfeasance in office.” The bill would give the New Mexico Supreme Court original jurisdictions over proceedings to remove members of the Parole Board. Parole Board members may be impeached as well. Section 3 also clarifies that the members of the Board may only receive a per diem for scheduled meetings.

Section 4 of this bill proposes a new section to the Parole Board Act, Section 31-21-25.2, which would prohibit the Parole Board from holding a hearing on the date of the death of any person whose homicide was the basis for the conviction of the inmate to be considered for parole.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

Section 3 of the bill provides that the New Mexico Supreme Court has original jurisdiction over proceedings to remove members of the Parole Board. The original jurisdiction of the Supreme Court is set by Article VI, Section 3 of the New Mexico Constitution. Article VI, Section 3 does not provide for such proceedings; it is unclear whether the Legislature could modify this jurisdiction by statute. *See Marbury v. Madison*, 5 U.S. 137, 174-77 (1803) (holding that Congress cannot alter the original jurisdiction of the U.S. Supreme Court). Although Article VI, Section 3 allows the Supreme Court to hear quo warranto actions against officials, “acts of

misconduct by an officer, even for which he may be subject to removal in a proper proceeding, do not necessarily and ipso facto operate as a forfeiture of the office so as to permit quo warranto to test his right to the office.” *State ex rel. White v. Clevenger*, 1961-NMSC-109, ¶ 8, 69 N.M. 64.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

The provision in Section 1 that requires the Board to “hear from the family or representative of the victim, if the family or representative chooses to participate” may be re-worded to more clearly express the intent to allow both family members and a representative to be heard, rather than one or the other. This could be accomplished by using “and/or” instead of “or”.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None noted.