

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: 30 JAN 2024 *Check all that apply:*
Bill Number: SB187 Original Correction
 Amendment Substitute

Sponsor: Crystal Brantley **Agency Name and Code** 790 – Department of Public Safety
Short Title: Allowing for death penalty for murdering a peace officer **Number:** _____
Person Writing Randy Larcher
Phone: 575-386-7712 **Email:** Randyt.larcher@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act: Very similar to 2024 SB73

SECTION III: NARRATIVE

BILL SUMMARY

This bill will:

- Amend 31-20A-2 – Capital Felony –determination of sentence—to read the defendant shall be sentenced to life imprisonment without possibility of release or parole; “provided that the defendant may be sentenced to death if the aggravating circumstance was that the victim was a peace officer who was:
 - o Acting in the lawful discharge of an official duty when the peace officer was murdered; or
 - o not acting in the lawful discharge of an official duty, but the defendant targeted the victim because of the victim's status as a peace officer.

Also,

- Aggravating Circumstances:
 - o The victim was a peace officer who was not acting in the lawful discharge of an official duty, but the defendant targeted the victim because of the victim's status as a peace officer.
 - o while incarcerated in a penal institution in New Mexico, the defendant, with the intent to kill, murdered an employee of the corrections department.

FISCAL IMPLICATIONS

None to DPS.

SIGNIFICANT ISSUES

SB 187 emphasizes the protection of peace officers, acknowledging the inherent risks they face in performing their duties. By allowing for the death penalty for individuals who murder a peace officer, the bill would send a strong message that such acts are intolerable and will be met with the harshest possible penalties.

According to the FBI’s Uniform Crime Reporting Program’s “Officers Killed and Assaulted in the Line of Duty, 2023 Special Report” and data from the Law Enforcement Employee Counts on the FBI’s Crime Data Explorer, from 2021 to 2023, more officers were feloniously killed (194) than in any other consecutive three-year period in the past 20 years (73 officers in 2021, 61 officers in 2022, and 60 officers in 2023).

As of April of 2024, New Mexico has lost 184 officers in the line of duty, including the following in recent years: Bernalillo County Deputy James McGrane Jr. (2006), Albuquerque Police Officer Daniel Webster (2015), Rio Rancho Police Officer Gregg Benner (2015); and New Mexico State Police Officer Darian Jarrott, Alamogordo Police Officer Anthony Ferguson, Las Cruces Police Officer Jonah Hernandez, and New Mexico State Police Officer Justin Hare in the last 5 years alone.

PERFORMANCE IMPLICATIONS

This change could act as a deterrent for individuals who might otherwise consider harming law enforcement officers, while also emphasizing the serious consequences for crimes that specifically target those who are dedicated to enforcing the law. NM doesn’t currently have the death penalty so this would be a substantive change in state law.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None.