

<b>LFC Requester:</b>	<b>Ismael Torres</b>
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**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

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

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** 01/23/19  
**Bill No:** SB 159

**Sponsor:** JACOB R. CANDELARIA      **Agency Code:** 264  
**Short Title:** PROHIBITION OF A DEFENSE BASED ON      **Person Writing** RVAZQUEZ  
**Phone:** 5056708484      **Email** ROSANNACVAZQU

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: RELATES TO SB 59 (CISCO MCSORLEY)

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

SB 159 introduced by Senator Jacob Candelaria, mirrors Senator McSorley SB 59 in all its language except for paragraph A. SB 159 limits prohibition of a defense based on defendant’s knowledge of a victim’s gender identity to crimes, “First degree murder” or a “serious violent offense.” PLEASE NOTE THE PARAGRAPH REFERENCES NMSA SECTION 33-2-34 WHICH DOES NOT ENUMERATE THE “SERIOUS VIOLENT OFFENSES. See pg. 1, lines 23-25. According to KOAT article, Senator Candelaria is quoted as saying the prohibition applies to murder and assault cases. Nonetheless the language needs to be clarified.

Coined as the “panic defense,” there have been cases throughout the nation, and in New Mexico where defendants attempted to use the victims gender identity as a basis for committing the crime. In 1996, Arthur “Bozo” Lopez, murdered Noah Rodriguez. Defendant stated he killed him as a result of an unwanted sexual pass made by Victim. The jury hung the first time with eleven members of the jury concluding a verdict of guilty and the second jury with a conviction.

**FISCAL IMPLICATIONS -NA**

**SIGNIFICANT ISSUES:** The correct citation is necessary to violent crimes.

**AMENDMENT LANGUAGE - NA**

**PERFORMANCE IMPLICATIONS – NA**

**ADMINISTRATIVE IMPLICATIONS – NA**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP – NA**

**TECHNICAL ISSUES -NA**

**OTHER SUBSTANTIVE ISSUES - NA**

**ALTERNATIVES - NA**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: NA  
AMENDMENTS:**

Not at this time.