

LFC Requester:	Ismael Torres
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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: **Date** 03/08/19
Original **Amendment** **Bill No:** SB 159A
Correction **Substitute**

Sponsor: JACOB R. CANDELARIA **Agency Code:** 264/AODA
Short Title: PROHIBITION OF A DEFENSE BASED ON **Person Writing:** RVAZQUEZ
Title: DEFENSE BASED ON **Phone:** 5056708484 **Email:** ROSANNACVAZQUEZ@GMAIL.COM

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)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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

In summary SB 159A proposes to amend

Amendment Synopsis:

The amendment added by Senate Judiciary:

1. The subparagraph of elements that do not constitute a defense in situations when the defendants response or knowledge of a victim’s sexual identity may not be submitted as justification for the conduct of the defendant. The following two sections are deleted from such section:
 - a. Sufficient provocation with respect to the conduct for which the defendant is being prosecuted.
 - b. Evidence of the defendant’s diminished responsibility for the defense by reason of mental disease or defect.

Leaves as a defense:

- c. Evidence that the defendant acted in defense of the defendant’s self or of another person.

FISCAL IMPLICATIONS -NA

SIGNIFICANT ISSUES:

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.

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.