

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	2Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$1660.6	\$3212.2		\$4918.8	Recurring	General

(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:

Legislative history:

House Bill 33, three strikes equals mandatory life sentence was previously introduced in 2019 as HB 103. In 2019 the bill action was postponed indefinitely.

House Bill 33 proposes to amend amends Section 31-18-23 NMSA 1978 to require life imprisonment for three violent felony convictions.

Currently included are the following:

- 1st and 2nd degree murder
- 2nd degree shooting at or from a motor vehicle.
- Kidnapping resulting in great bodily harm by captor
- Aggravated, 1st degree CSP
- Armed robbery resulting in great bodily harm.

Additional Crimes to be added:

- Voluntary Manslaughter
- Involuntary Manslaughter
- Aggravated battery
- Shooting at a dwelling or occupied building inflicting great bodily harm
- Aggravated battery against a household member
- Abuse of a childhood resulting in great bodily harm
- Negligent abuse or Intentional abuse of a child that results in death of a child
- Aggravated arson
- Aggravated battery upon a peace officer
- Homicide or great bodily harm by vehicle while under the influence, driving recklessly or resisting, evading or obstructing an officer
- Injury to a pregnant woman by vehicle while under the influence, driving recklessly or resisting, evading or obstructing an officer.

Expanded Scope

- CSP and Aggravated CSP
- Robbery while armed with a deadly weapon.

It also provides for violent felony convictions committed by a defendant prior to the age of 18 be considered if the youth was sentenced as an adult for those crimes set forth above or in another state for a violent felony.

The Bill includes a two-part requirement for parole eligibility. The inmate must have served 10 or more years, and the inmate is 60 years or older. The provision also includes permanent supervision for the rest of inmate's life.

FISCAL IMPLICATIONS

According to last year's FIR the impact of the bill will be large. The LFC and NMSC in 2019 estimated a general fund impact of approximately 25 million dollars over the next fifteen years.

SIGNIFICANT ISSUES

Juvenile issues:

Currently a felony committed by a person under 18 years old does not count under the "3 strikes law" even when the juvenile was sentenced as an adult. To include juvenile convictions when juveniles are sentenced as an adult could lead to a life sentence years later if a person commits 2 additional felonies.

The entire basis for not including prior felonies committed by a juvenile prior was because juveniles are immature. Their character is still unfolding and teens more than adults are deemed to be more affected by peer pressure. A mandatory sentence including offenses occurred by a juvenile also doesn't take into consideration family and home environment that may have contributed to the crime.

Parole:

The current 3 strikes law does not allow for parole.

PERFORMANCE IMPLICATIONS

1. There is no limitation on when the felony crime occurred that could be applied.
2. Applicability of the bill is to persons who have been convicted on or before or after July 1, 2020. 1st strike may be a conviction on any date including July 1st 2020. 3rd strike must be a conviction after July 1st. Not clear whether the second strike must also occur after July 1st. The drafter's intent is not clear on whether the 2nd strike must be committed after July 1st 2020.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The language of the Bill is not clear as to whether the defendant must serve an actual full 10 years or whether the 10 years includes good time earned by the defendant?

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS