

LFC Requester: _____

**AGENCY BILL ANALYSIS
2020 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:
Original Amendment
Correction Substitute

Date January 16, 2020

Bill No: HB 34

Sponsor: Rehm
Short Title: Habitual Offender Sentencing

Agency Name and Code AODA 264
Number: _____
Person Writing Rosanna C Vazquez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY20	FY21	FY22		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	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

BILL SUMMARY

Synopsis:

House Bill 34, Habitual Offender Sentencing, was previously introduced in 2019, by Congressman Rehm, as HB 607 Habitual Offender Sentencing. In 2019 the Bill died.

House Bill 34 amends Section 31-18-17 NMSA 1978 to require a prior felony within 25 years of a subsequent felony conviction be considered for the purpose of habitual offender sentencing. Convictions pursuant to NMSA 66-8-102 (Driving under the influence) are included as subsequent felony convictions to be considered. The original statute calls prior felonies within 10 years of a subsequent felony conviction be considered for habitual offender sentencing.

FISCAL IMPLICATIONS

Increased mandatory sentences may increase the number of cases that go to trial. This assessment was made by LOPD last year in its review of the Bill. There was no substantive evidence to lead to such a conclusion.

District Attorneys will have the ability to plea more cases if the eligible felony offenses for habitual enhancement, are increased.

SIGNIFICANT ISSUES

It may be difficult to establish accurate and verifiable documentation to include felonies older than 25 years. However the mere enactment of law may assist for plea negotiations.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS