

LFC Requester:	
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**AGENCY BILL ANALYSIS
2017 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	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>1-4-17</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB45</u>

Sponsor:	<u>Sarah Maestas Barnes</u>	Agency Code:	<u>264</u>
Short	<u>Increase Child</u>	Person Writing	<u>Gail MacQuesten</u>
Title:	<u>Abuse Penalties</u>	Phone:	<u>466-0532</u>
		Email	<u>gailmacquesten@gmail.com</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
n/a	n/a	n/a	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	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: HB45 amends NMSA 1978, Section 30-6-1, Abandonment or Abuse of a Child. It increases the basic sentence for the crime of intentional abuse of a child twelve to eighteen years of age that results in the death of the child from a “first degree felony,” which carries a basic sentence of eighteen years, to a “first degree felony resulting in the death of a child,” which carries a basic sentence of life imprisonment.

As currently written, the statute provides different basic sentences for the offense based on the age of the victim. If the child is less than twelve, the crime is a “first degree felony resulting in the death of a child,” and the basic sentence is life imprisonment. But if the victim is twelve to eighteen years of age, the crime is a “first degree felony,” and the basic sentence is eighteen years.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

Fiscal implications for the district attorneys are unknown. Higher potential penalties may result in more cases going to trial, or may result in more plea agreements.

To the extent HB45 results in increased incarceration, there will be increased costs to the state.

SIGNIFICANT ISSUES

HB45 removes the age distinction in Section 30-6-1 for the crime of intentional abuse of a child that results in the death of the child. That offense will be a “first degree felony resulting in the death of a child,” with a basic sentence of life imprisonment, regardless of the age of the child.

PERFORMANCE IMPLICATIONS

As discussed above, increasing the penalty for the offense may result in more cases going to trial, or may result in more cases being resolved by plea bargains.

ADMINISTRATIVE IMPLICATIONS

See “Performance Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None found.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

New Mexico will continue to punish intentional abuse of a child that results in the death of that child more severely if the child is under twelve.

AMENDMENTS

None proposed.