

<b>LFC Requester:</b>	<b>Kelly Klundt</b>
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**AGENCY BILL ANALYSIS  
2016 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: Date 01/14/2016  
**Original**     **Amendment**        **Bill No:** HB69  
**Correction**     **Substitute**   

**Sponsor:** Conrad D. James    **Agency Code:** 264 (AODA)  
**Short**    Intentional Child Abuse    **Person Writing**    Mary Lynne Newell  
**Title:**    Resulting in Death    **Phone:** 5753136890    **Email** starlight@gilanet.com

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
none	none		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>		YES	YES			

(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: This bill amends existing law 30-6-1 NMSA such that offenders who intentionally abuse children less than 18 years of age, to the point of death, will be punished with a penalty of a first degree felony resulting in the death of a child—to wit, life imprisonment. Current law reserves that for cases involving victims less than 12 years of age, and has offenders whose victims are ages 12 to under 18 a first degree felony—an eighteen year sentence. The bill makes other minor stylistic changes.

#### **FISCAL IMPLICATIONS**

There may be additional fiscal impact for the District Attorneys' Offices as well as the courts, as with a life sentence being a possibility these cases will be even more contested than they already are. However, these are already treated very seriously, so it is uncertain if this impact will require additional prosecutorial resources as the changes play out.

#### **SIGNIFICANT ISSUES**

The bill will mitigate a problem in intentional child abuse to the point of death prosecutions, which is the difficulty in getting a life imprisonment sentence in our most serious cases, just because of the age of the victim. Without regard to the amount of trauma, suffering, or injury a child victim suffered prior to death, or how long it took that child to die from those injuries, current law punishes only based on age. This is hard to explain to a family whose 12, or 13, or 17 year old died from intentionally inflicted abuse, that their perpetrator will serve a lesser term. This bill would address this most egregious of offenses in a manner that does not impose artificial distinctions between the murder of a child age 11 years, 11 months, for example, and one age 12. All children's lives would be valued.

#### **PERFORMANCE IMPLICATIONS**

For the District Attorneys, this law might increase prosecutions and thus impose some additional costs, but these are among the cases for which those resources will always have a priority, and for which the trade-off of a more appropriate penalty is well worth it.

#### **ADMINISTRATIVE IMPLICATIONS**

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Intentionally abused victims who die from their abuse will continue to have their perpetrators punished differently depending on the victim's age, rather than any other factors relevant to the crime.

## **AMENDMENTS**