
Bill Analysis 2018 Regular Session

SPONSOR: Rep. Nate Gentry

SHORT TITLE: Three Strikes Enhancement

SYNOPSIS OF BILL: HB 18 adds ten additional violent crimes to New Mexico's existing "three strikes" law, dramatically increasing the number and type of qualifying felonies under which a person being *must* be given a mandatory life sentence after a third conviction for any combination of listed offenses. HB 18 amends existing law by removing the "great bodily harm" requirement for a robbery charge.

WEAKNESSES: Most other states around the country learned that three strikes laws are antiquated, ineffective, and expensive.

- Three strikes laws are based on the mistaken notion that focusing on criminal offenses after they are committed will lead to a reduction in the crime rate. If we want to increase public safety, we must *prevent* these crimes from happening in the first place.
- There is no evidence that three strikes laws deter violent crime because most of these crimes are not premeditated, but are instead committed in the heat of passion.
- These laws tend to take a cookie-cutter, one-size-fits-all approach to crime, forcing judges to impose mandatory sentences regardless of the specific circumstances of each individual case. This is expensive and ineffective, clogging up our already overcrowded courts and prisons.
- The Fiscal Impact Report for Representative Gentry's Three Strikes bill introduced in 2017 (HB54) stated that incarceration costs alone over the next 30 years could cause a general fund impact of \$55.3 million. This does not include significant additional costs for courts, district attorneys, and public defenders. There are better ways to spend this money if the goal is truly to increase public safety.

ADDITIONAL INFO: According to the LFC, roughly one-tenth of the state's general fund spending is used for housing inmates and prison-related expenses, such as recidivism-reduction programming, inmate education, inmate health care, and maintenance.¹ Over the past five years, incarceration spending has hovered around \$300 million, with slightly more than 80 percent of that going to prison operations. New Mexico spending on inmate health care, which has increased almost 20 percent over the last decade, typically puts the state in the top 15 nationally.

<u>Safer</u>	<u>Apolitical</u>	<u>Fiscally-Responsible</u>	<u>Evidence Based</u>	Grade
There is no evidence that three strikes laws deter violent crime because most of these crimes are not premeditated, but are instead committed in the heat of passion. This bill takes away judicial discretion in sentencing and requires the court to impose a sentence of life imprisonment.	In many ways, three strikes laws are the embodiment of a politically driven response to crime because they sound “tough on crime” and repeat offenders but in fact do nothing to reduce crime. Rather, HB 18 would be incredibly expensive and ineffective, clogging up our already overcrowded courts and prisons.	Estimates of incarceration costs alone could cause a general fund impact of \$55.3 million, to say nothing of the costs to the courts, prosecutors, and public defenders. A significant percent of the corrections budget is spent on inmate health care. Increasing the number of inmates serving life sentences would exacerbate that problem as those inmates age.	There is no evidence that three strikes deter violent crime. There is evidence that three strikes laws dramatically increase costs and prison budgets.	F

1 Legislative Finance Committee, 2015. “Finance Facts.” Retrieved: https://www.nmlegis.gov/Entity/LFC/Documents/Finance_Facts/finance%20facts%20corrections.pdf