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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	<u>Cote</u>	<b>ORIGINAL DATE</b>	<u>01/25/09</u>	<b>HB</b>	<u>33/aHJC</u>
		<b>LAST UPDATED</b>	<u>02/12/09</u>		
<b>SHORT TITLE</b>	<u>No Domestic Violence Offenders as Police</u>			<b>SB</b>	<u></u>
		<b>ANALYST</b>	<u>Weber</u>		

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative office of the District Attorneys (AODA)

New Mexico Corrections Department (NMCD)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HJC amended

The House Judiciary Committee Amendment of House Bill 33:

1. On page 2, line 9, after "violence", strike the remainder of the line and strike line 10 through the comma.

2. On page 3, line 13, strike the ending quotation mark and between lines 13 and 14, insert the following subsection:

"C. As used in this section, "domestic violence" means one or more convictions of the Crimes Against Household Members Act or the Harassment and Stalking Act, or their equivalents in any other jurisdiction.""

3. On page 4, line 7, after "violence", strike the remainder of the line, strike line 8 in its entirety and strike line 9 through the comma.

4. On page 4, line 16, strike the ending quotation mark.

5. On page 4, between lines 16 and 17, insert the following subsection:

"C. As used in this section, "domestic violence" means one or more convictions of the Crimes Against Household Members Act or the Harassment and Stalking Act, or their equivalents in any other jurisdiction.""

Synopsis of Original Bill

House Bill 24 amends the law pertaining to certified law enforcement officers to prohibit candidates from becoming eligible to become law enforcement officers if they have been convicted of domestic violence crimes (primarily those contained in the Crimes Against Household Members Act) during the three year period immediately preceding their application. Further, the bill allows the certification board to suspend or revoke an officer's certification if he or she is convicted of domestic violence crimes.

**FISCAL IMPLICATIONS**

There are no major fiscal implications; however, some additional expense may be incurred for training new law enforcement officers as a result of terminations due to this amendment.

**SIGNIFICANT ISSUES**

DPS offers the following comment.

Due to the 18 USC 921, the Lautenberg Amendment, a person convicted for assault on a household member triggers the federal prohibition for possession of a firearm. The intent of the federal prohibition on the possession of firearms by those convicted of misdemeanor domestic violence is to prevent the escalation from domestic dispute to murder. Due to the federal law any officers that come before the Academy Board that have been convicted of domestic violence are decertified.

**POSSIBLE QUESTIONS**

Is this necessary in light of the Lautenberg amendment?

MW/mc:mt