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FISCAL IMPACT REPORT

ORIGINAL DATE 01/27/09

SPONSOR Chasey LAST UPDATED _____ HB 210

SHORT TITLE Continue Collateral Consequences Task Force SB _____

ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$30.0	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorney (AODA)
 New Mexico Sentencing Commission (NMSC)
 Public Defender Department (PDD)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 210 appropriates \$30 thousand from the general fund to the NMSC for the purpose of studying the collateral consequences of criminal arrest, conviction and extended periods of incarceration, including the study of collateral consequences of federal laws, New Mexico educational institution policies and practices and local ordinances, and includes a cost and benefit analysis of those consequences. This bill also requires the task force by November 2009 to make recommendations to the appropriate interim legislative committee on how to neutralize or eliminate those consequences.

FISCAL IMPLICATIONS

The appropriation of \$30 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY10 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

SIGNIFICANT ISSUES

The NMCD reports the 2008 Legislature appropriated \$20 thousand to the NMSC to convene a task force to study such collateral consequences. The Sentencing Commission issued a report depicting the panoply of state laws directly impacting all felons and those with some misdemeanor convictions. The Task Force decided further research into state regulations and state government policy would be beneficial to the task force and to the state legislature.

The AODA notes that the task force has an extremely broad scope. It is not clear what the \$30K is allocated to do: to defray costs of trained analysts, to reimburse all the agencies for the costs of time and travel, or for some other purposes. It is not clear that the tasks can be accomplished by a group of lay people tending other occupations, or that the benefit to the public will outweigh the costs.

POSSIBLE QUESTIONS

What were the results of the previous task force report?

MW/mc