

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/27/09

SPONSOR J. Heaton LAST UPDATED _____ HB 865

SHORT TITLE Drug Precursor Act SB _____

ANALYST C. Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
Total		Indeterminate	Indeterminate	Indeterminate	Non- Recurring	General Fund

(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)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 865 adds a new subsection to the drug precursor act. This subsection creates another prohibited act by which one can violate the act: by intentionally manufacturing, possessing transferring or transporting a drug precursor for the purpose of manufacturing a controlled substance or controlled substance analog.

FISCAL IMPLICATIONS

According to the AOC, there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The bill sets forth what constitutes prima facie evidence (24 grams of drug precursor) to show intent to unlawfully manufacture a controlled substance.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Leaves ambiguity in proving intent to unlawfully manufacture a controlled substance based on possession of drug precursors.

CS/mt

