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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/09

SPONSOR Neville LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Civil Immunity for Justifiable Use of Force SB 109

ANALYST Hoffmann

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
		NFI	

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files  
Google

#### Responses Received From

Administrative Office of the Courts (AOC)  
Bernalillo County Metro Court (BCMC)

#### No Response

Public Defender Department (PDD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 109 provides for civil immunity for a citizen who uses force that is justified pursuant to Section 30-2-7 NMSA 1978 (justifiable homicide by a citizen), or who is otherwise found to have acted in self-defense or defense of another, whether or not the person causes property damage, injury or death, unless the person knew or reasonably should have known that the person against whom the force was used was a law enforcement officer acting in the scope of official duties.

## **FISCAL IMPLICATIONS**

The Administrative Office of the Courts believes 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 challenges to verdicts and awards, based on claims of self-defense.

## **PERFORMANCE IMPLICATIONS**

The New Mexico courts are participating in performance-based budgeting. As a result of challenges to verdicts and awards, this bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed;
- Percent change in case filings by case type; and
- Clearance Rate.

## **OTHER SUBSTANTIVE ISSUES**

A quick search on Google showed that according to the Connecticut Office of Legislative Research, as of 2007 fifteen states had passed “castle doctrine” bills that clarified the use of force in self defense. Some of these bills provide immunity from civil action to the individual using force in self-defense or defense of others if the court finds the use of force was justified.

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

Individuals who act in self-defense or defense of another, as determined by a court, will remain susceptible to civil action.