

SENATE BILL 81

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Bill B. O'Neill and Sheryl Williams Stapleton

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in

AN ACT

RELATING TO CRIME; REQUIRING THE NEW MEXICO SENTENCING COMMISSION TO EVALUATE THE RACIAL IMPACT OF CERTAIN PROPOSED LEGISLATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 9-3-10.3 NMSA 1978 (being Laws 2019, Chapter 211, Section 16) is amended to read:

"9-3-10.3. LEGISLATION TO INCREASE, DECREASE OR CREATE PERIODS OF IMPRISONMENT--FISCAL IMPACT STATEMENTS--PROCEDURE.--

A. The New Mexico sentencing commission shall

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prepare a fiscal impact statement as provided in this section for a bill that:

- (1) creates a new crime or repeals an existing crime for which imprisonment is authorized;
- (2) increases or decreases the period of imprisonment authorized for an existing crime;
- (3) imposes or removes mandatory minimum terms of imprisonment; or
- (4) modifies the law governing release of inmates in such a way that the time served in prison will increase or decrease.

B. A fiscal impact statement shall reflect the estimated change in annual operating costs for the corrections department attributable to the bill if it becomes law. The estimated change in annual operating costs shall reflect the largest annual change from the projected change for the six fiscal years following the effective date of the law and shall be calculated in current dollars. The fiscal impact statement shall include details concerning any:

- (1) increase or decrease in the inmate population; and
- (2) racial impact of the proposed legislation, including:
 - (a) information regarding any unique or disproportionate impact on any race, gender SJC→identity←SJC

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or sexual orientation of persons in the state;

(b) statistical analysis of the projected impact of the proposed legislation on any race, gender SJC→identity←SJC or sexual orientation of persons in the state;

(c) any unintended consequences of the proposed legislation that would impact any race, gender SJC→identity←SJC or sexual orientation of persons in the state;

(d) the impact of the proposed legislation on correctional facilities SJC→;←SJC SJC→and←SJC

SJC→(e) the impact of the proposed legislation on←SJC services for any race, gender SJC→identity←SJC or sexual orientation of persons in the state;

SJC→(e)←SJC SJC→(f)←SJC the impact on recidivism rates for any race, gender SJC→identity←SJC or sexual orientation of persons in the state; and

SJC→(f)←SJC SJC→(g)←SJC information regarding any unique or disproportionate impact and statistical analysis of the projected impact of the proposed legislation on each judicial district in the state.

C. If the New Mexico sentencing commission does not have sufficient information to project the fiscal impact, the fiscal impact statement shall state that there is insufficient

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information to estimate the fiscal impact.

D. The corrections department shall annually provide the New Mexico sentencing commission with:

(1) the average operating costs per inmate and the number of inmates in adult correctional facilities; and

(2) admissions and release data for all inmates in adult correctional facilities.

E. The judiciary shall annually provide the New Mexico sentencing commission with requested data necessary to prepare fiscal impact statements.

F. As used in this section, "operating costs" means all costs other than capital outlay costs for state-operated adult correctional facilities and privately operated adult correctional facilities."