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## FISCAL IMPACT REPORT

SPONSOR: Ingle DATE TYPED: 02/17/01 HB \_\_\_\_\_  
 SHORT TITLE: Change Element of "Crime of Robbery" SB 271  
 ANALYST: Rael

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Administrative Office of the District Attorneys (AODA)  
 Public Defender (PD)  
 Administrative Office of the Courts (AOC)  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

The Change Element of "Crime of Robbery" bill amends 30-16-2 NMSA 1978 to define robbery as not only theft, but also the retention of anything of value immediately after a theft.

### FISCAL IMPLICATIONS

See Administrative Implications.

### ADMINISTRATIVE IMPLICATIONS

New laws have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

### OTHER SUBSTANTIVE ISSUES

Both the Office of the District Attorneys and the Public Defender agree that the goal or intent of the addition of "retention" as an element of robbery is not clear. The language is vague and ambiguous and would probably be subject to constitutional attack, if any person was ever charged under this amendment. It would not be used in many circumstances because it is so difficult to understand a situation where it would be applicable. If it means "receiving" property from a theft, a statute is

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already on the books which would be specific to the crime. If it means someone who participates in the form of a conspiracy, a specific statute already exists.

Words such as "immediately after" are open to attack since it would not really inform a person of what the prohibited act consists of. Ten minutes... two hours.. a few seconds, are too vague to define.

FAR/njw:ar