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HOUSE BILL

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL SENTENCING; REQUIRING THE NEW MEXICO SENTENCING COMMISSION TO PREPARE FISCAL IMPACT STATEMENTS FOR LEGISLATION THAT WOULD INCREASE, DECREASE OR CREATE CRIMINAL PENALTIES; REQUIRING THAT AN APPROPRIATION BE INCLUDED WITH SUCH LEGISLATION; CREATING A FUND.

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

SECTION 1. [NEW MATERIAL] LEGISLATION TO INCREASE, DECREASE OR CREATE PERIODS OF IMPRISONMENT--FISCAL IMPACT STATEMENTS--PROCEDURE.--

A. The New Mexico sentencing commission shall 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;

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1                   (2) increases or decreases the period of  
2 imprisonment authorized for an existing crime;

3                   (3) imposes or removes mandatory minimum terms  
4 of imprisonment; or

5                   (4) modifies the law governing release of  
6 inmates in such a way that the time served in prison will  
7 increase or decrease.

8                   B. A fiscal impact statement shall reflect the  
9 estimated change in annual operating costs for the corrections  
10 department attributable to the bill if it becomes law. The  
11 estimated change in annual operating costs shall reflect the  
12 largest annual change from the projected change for the six  
13 fiscal years following the effective date of the law and shall  
14 be calculated in current dollars. The fiscal impact statement  
15 shall include details concerning any increase or decrease in  
16 the inmate population.

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

21                   D. The amount of an increase in annual operating  
22 cost estimated in a fiscal impact statement shall be included  
23 in the bill as a one-year appropriation from the general fund  
24 to the criminal justice special fund.

25                   E. The corrections department shall annually

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1 provide the New Mexico sentencing commission with:

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

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

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

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

13 SECTION 2. [NEW MATERIAL] CRIMINAL JUSTICE SPECIAL FUND--  
14 CREATED.--

15 A. The "criminal justice special fund" is created  
16 in the state treasury. The fund consists of appropriations,  
17 gifts, grants, donations and bequests made to the fund. Income  
18 from the fund shall be credited to the fund. Money in the  
19 criminal justice special fund shall not revert to the general  
20 fund at the end of a fiscal year.

21 B. Money in the criminal justice special fund shall  
22 be subject to appropriation by the legislature for criminal  
23 justice purposes, including operational costs of the  
24 corrections department, courts, district attorneys and the  
25 public defender department.

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SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.