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FISCAL IMPACT REPORT

SPONSOR:	Mohorovic	DATE TYPED:	02/21/01	HB	437
SHORT TITLE: Life Sentence for Rep		eat Offenders		SB	
			ANAL	YST:	Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring	Fund
FY01	FY02	FY01	FY02	or Non-Rec	Affected
		\$1,800.0 See Narrative		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Department of Public Safety (DPS) Corrections Department (CD) Public Defender Department (PDD) Attorney General's Office (AGO) Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

This bill would amend the existing criminal law regarding life sentences to provide that an inmate who was sentenced to life imprisonment as a result of the commission of first degree murder or who was convicted of two (2) violent sexual offenses, would not be eligible for parole and would be required to remain incarcerated for the entirety of his natural life. The bill retains the current life sentence of thirty (30) years before the possibility of parole for those persons sentenced to life imprisonment as a result of being convicted of three (3) violent felonies.

FISCAL IMPLICATIONS

The bill will result in increased costs to the Corrections Department in later years due to the requirement for housing a significant number of offenders for the remainder of their natural lives. As these offenders get nearer to the end of their lives, their medical costs tend to increase substantially.

The Public Defender reports that the 2nd District would require 5 additional PD IV attorneys (FTE), the 1st District 2 FTE and the 3rd District 3 FTE. Investigators and legal liaison costs would be another \$100,000. Expert witness fees would exceed \$200,000. The PDD believes that it would also have to have PD IV's in each smaller office at a recurring annual cost of \$480,000. Finally, contract costs

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would rise astronomically, perhaps another \$200,000. Total cost of this legislation might therefore approach \$1,800,000.

Both the AOC and the PDD report that the sanction of life imprisonment without possibility of parole is so severe that many accused persons may invoke their right to trial and their right to a jury. These additional trials will result in additional costs which cannot be quantified for courtroom staff, judges, jury, and other fees.

The judicial system will spend \$400 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.

TECHNICAL ISSUES

Repeal § 31-18-25 (A), which reads, "The life sentence shall be subject to parole pursuant to the provisions of Section 31-21-10."

POSSIBLE QUESTIONS

The bill does not address or specifically exempt the provisions of the Medical or Geriatric Parole Act, NMSA 1978, § 31-21-25.1 (1994). What is the bill's intent regarding these sections?

FAR/lrs:ar