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## FISCAL IMPACT REPORT

SPONSOR: Martinez DATE TYPED: 03/11/03 HB 337/aHGUAC  
SHORT TITLE: Municipal Ordinance Fines & Jail Time SB \_\_\_\_\_  
ANALYST: Padilla

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			Indeterminate See Narrative	Recurring	Local Governments

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	NFI			

(Parenthesis ( ) Indicate Revenue Decreases)

## SOURCES OF INFORMATION

LFC Files

### Responses Received From

Administrative Office of the Courts  
Department of Finance and Administration  
Bernalillo Metropolitan Court

### No Response From

Administrative Office of the District Attorneys

## SUMMARY

### Synopsis of HGUAC Amendment

The House Government and Urban Affairs Committee amendment eliminates language that would have allowed municipal and metropolitan courts to impose fines of up to \$1,000. Instead, the amendment retains the current statutory limit of \$500. The only change made by the amended bill, therefore, is to increase, to 179 days, maximum jail times that can be imposed by

municipal courts. The amendment removes any positive fiscal impact that might have been seen as a result of increased fine revenues.

**Synopsis of Original Bill**

House Bill 337 amends the Municipal Code to increase the authority of municipal and metropolitan courts to impose fines of up to \$1,000 and/or imprisonment for up to 179 days for violations of any municipal ordinance. The maximum fine under current statute is \$500; the maximum jail sentence is currently ninety days. The two exceptions, for which specific statutory language exists, are driving while under the influence of intoxicating liquor or drugs and violations of an industrial user wastewater pretreatment ordinance.

**Significant Issues**

Neither the AOC nor Bernalillo County Metropolitan Court noted a need for increased fines and jail terms. They did note, however, that the bill would potentially increase their workloads. See below under “Fiscal Implications” and “Administrative Implications.”

**FISCAL IMPLICATIONS**

There might be implications for local governments if increased jail sentences are imposed and their correctional facilities experience greater use. Also, as pointed out by Bernalillo County Metropolitan Court, there would be potential fiscal and administrative implications for its probation officers. Because the jail sentences could be longer under this bill, those convicted under municipal ordinances could be placed on probation for longer periods of time. The Metro Court notes that the supervision time of probation officers or of community services staff would also be longer.

There might also be positive revenue implications if higher fines are assessed. Fines imposed by municipal courts go to local government funds; fines imposed by Bernalillo County Metropolitan Court go to the state general fund.

**ADMINISTRATIVE IMPLICATIONS**

As described above, there would be administrative implications for municipal and metropolitan courts as they would potentially see more crowded jail facilities and greater workloads.

**POSSIBLE QUESTIONS**

1. What is the need for increased fines and jail terms for violations of municipal ordinances?
2. If the intention is to provide a greater deterrent, is there data to show that higher fines and longer jail terms are effective?
3. What are examples of some of the violations for which a person could be sentenced to 179 days in jail if this bill is enacted?
4. Do municipal jails have the resources to deal with the extended jail terms that may result if this bill is passed?