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FISCAL IMPACT REPORT

SPONSOR: Picraux DATE TYPED: 02/05/03 HB 414/aHJC

SHORT TITLE: Fee for Domestic Violence Offenders SB _____

ANALYST: Chabot

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	\$.01 (See Narrative)		Recurring	Domestic Violence Offender Treatment Fund

(Parenthesis () Indicate Revenue Decreases)

Duplicates SB 327

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Children, Youth and Families Department (CYFD)
 Department of Public Safety (DPS)

Responses Not Received From
 Administrative Office of the Courts
 Administrative Office of the District Attorneys

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment inserts “or upon being given a conditional discharge” after the word “convicted” in three instances in the bill (page 1, line 21; page 4, line 22; page 4, line 25). This would expand applicability of the statute to individuals in domestic violence instances who are not convicted but receive conditional discharges by the judge. These individuals would then be subject to the fee provisions and the eligible for treatment programs funded by the Domestic Violence Offender Treatment Fund created by the bill.

Synopsis of Original Bill

House Bill 414 creates a fee structure for convicted domestic violence offenders and creates the Domestic Violence Offender Treatment Fund. Convicted domestic violence offenders would be charged a fee, in addition to any other fines or costs imposed by the court, as follows: \$150 for a first conviction; \$300 for a second conviction; and \$500 for any subsequent convictions. The fees would be deposited into the fund that is appropriated to CYFD to provide for treatment programs. The bill defines specific requirements of the treatment program including a confidentiality clause that permits disclosure of information revealed during treatment sessions.

Significant Issues

Domestic violence issues continue to plague New Mexico and we have one of the highest rates per capita (15.1 incidents per 1,000 persons) of any state. A Violence Policy Center report ranked New Mexico 8th nationwide in incidents of domestic violence. In Bernalillo County, there have been five deaths attributed to domestic violence since January 1, 2003. Every year throughout the United States, there are an estimated 1.5 million injuries from domestic violence, more than the combined number of muggings, rapes and car accidents. Most of victims are women and children. Those children that are not physically harmed may have difficulties later in life and may continue the cycle of abuse if counseling services are not immediately available.

Most domestic violence funding is for the victims; this bill would establish a fund to provide treatment services for the perpetrators of the violence. Revenue into the fund would come from these individuals directly.

FISCAL IMPLICATIONS

Revenue resulting from this bill would be a recurring revenue source to the Domestic Violence Offender Treatment Fund. Revenue projections are difficult because of a lack of history in collections of this new revenue. According to a report by La Casa, a domestic violence provider in Las Cruces, statewide there were 1,403 domestic violence convictions in 2002. If each of these resulted in the minimum fee, \$210.4 would have been collected.

ADMINISTRATIVE IMPLICATIONS

CYFD would have to adopt regulations for the program. The agency would have to do income projections to estimate what can be budgeted in yearly operating budgets. The agency would have to determine the best method of providing treatment services.

TECHNICAL ISSUES

The bill does not specify how the fees will be assessed, collected and transmitted to the State Treasury.

POSSIBLE QUESTIONS

1. Does this program exist in other states and has it been successful?
2. Is the fee mandatory for all domestic violence convictions or does the judge have discre-

tionary authority to not impose the fee?

3. Does CYFD have discretion to determine the best method for providing the services required by this bill?
4. Can the fund be used for individuals that have been involved in domestic violence incidents but have not been convicted?

GAC/njw