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FISCAL IMPACT REPORT

SPONSOR: Martinez DATE TYPED: 02/17/03 HB 596

SHORT TITLE: Equitable Sentencing Schedule SB _____

ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$0.1 See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 525

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General's Office (AGO)
Department of Corrections (DOC)

SUMMARY

Synopsis of Bill

House Bill 596 provides a new sentencing schedule for larceny and property crimes. Approximately twenty-eight sections in the criminal code and one section in the tax code are amended.

For most of these crimes, a felony conviction is currently applicable to any case involving monetary amounts in excess of \$250. This bill, however, raises the monetary amount to \$1,000.

Significant Issues

HB 596 would make the crimes listed below a petty misdemeanor where the monetary amount involved is \$100 or less, a misdemeanor where the amount involved is over \$100 but not more than \$1,000, a fourth degree felony where the amount involved is over \$1,000 but not more than \$2,500, a third degree felony where the amount involved is over \$2,500 but not more than \$20,000, and a second degree felony where the amount involved is over \$20,000.

Desecration of a Church	False Statement and Fraud
Fraud	Criminal Damage to Property
Cheating a Machine or a Device	Larceny
Shoplifting	Embezzlement
Other Personal Property	Receiving Stolen Property
Misappropriating Public Assistance	Fraudulent Use of Credit Cards
Unauthorized Computer Use	Computer Abuse
Exploitation	Fraudulent Telemarketing
Fraudulent Acts by Merchants or their Employees	Fraudulent Acts to Obtain or Retain Possession of Rented or Leased Vehicle
Falsely Obtaining Services or Accommodations	Failing to Disclose Facts or Change of Circumstances to Obtain Public Assistance
Unlawful Use of Food Stamp Identification Card or Medical Identification Card	Computer Access with Intent to Defraud or Embezzle
Failure to Reimburse the Department upon Receipt of third Party Payment	Unlawful Dealing in Federal Food Coupons or WIC Checks
Procuring or Attempting to Procure Telecommunications Service Without Paying	Fraudulent Refusal to Return a Leased Vehicle or other Personal Property
Writing Worthless Checks	Arson
Improper Sale, Disposal, Removal or Concealing of Encumbered Property	

FISCAL IMPLICATIONS

According to the New Mexico Corrections Department (DOC), by increasing some penalties to third or second-degree felonies, the bill could substantially increase prison populations in later years. It would also lengthen periods of parole and possibly probation sentences. There would be a slight positive impact for crimes that remain a misdemeanor when the dollar amount is increased from \$250 to \$1000.

ADMINISTRATIVE IMPLICATIONS

The Attorney General's Office stated this bill might result in an increase in appellate caseload when convictions are appealed.

RELATIONSHIP

Senate Bill 525 makes revisions to the sentencing provisions relating to the crime of arson.

OTHER SUBSTANTIVE ISSUES

Graffiti, criminalized at Section 30-15-1.1, still remains a petty misdemeanor up to one thousand dollars, but sentencing provisions of that statute are quite detailed and specific with respect to restitution and community service.

RLG/nw