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FISCAL IMPACT REPORT

SPONSOR: Lundstrom DATE TYPED: 2/27/03 HB 921
 SHORT TITLE: Crime Stoppers Act SB _____
 ANALYST: Maloy

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

No Responses Received From Administrative Offices of the District Attorneys or The Department of Public Safety.

SUMMARY

Synopsis of Bill

Creation of the Council:

- House Bill 921 amends the Crime Stoppers Act. In doing so, the bill proposes creation of the “crime stoppers advisory council”, a five-member council derived from local crime stopper programs, four of whom shall be from the four quadrants of the state, and one from Albuquerque.

The bill provides that the members shall be selected and appointed by the Governor, and that they shall serve 2-year terms

The bill establishes the powers and duties of the council as follows:

- Advise and assist in the creation and maintenance of local crime stopper programs.
- Certify local programs for the purposes of confidentiality of records, privileges and immunities set forth the in Crime Stoppers Act.

- Encourage the media to promote function of the local programs.
- Facilitate training for local programs.

The bill expressly provides that the council shall not take part in the receipt of reports or tips regarding criminal activity.

Confidentiality of Reports to the Crime Stopper Programs:

- The bill provides for the confidentiality of records and conversations between those filing reports with the programs and program staff. The bill expressly states that reports to crime stoppers programs may not be used in court except as follows:
 1. A defendant seeks to use the report because it includes exculpatory evidence, or
 2. In a civil suit, where a plaintiff, having been exonerated criminally, asserts that the denial of access to the report would leave him without the ability to offer proof that a legal injury was suffered through the wrongful acts of another.
- If the report becomes accessible for one of the above purposes, the court is to maintain the identity of the person having filed the report confidential.
- In order to use this confidentiality protection in the law, local crime stopper programs must be certified by the council.
- The bill provides that a crime stopper program employee may be guilty of a misdemeanor if he or she improperly releases information gained through the program.

Immunity for Persons Filing Reports:

- Finally, the bill establishes that any person communicating with a program in good faith shall be immune from civil liability for any act or omission result in the arrest, filing of criminal charges or trial of the suspect / defendant.

Significant Issues

- The crime stoppers programs have become well known throughout New Mexico, and are likely very beneficial to law enforcement personnel.
- The local programs will undoubtedly benefit from some centralized direction from a state council. This will aid the programs in becoming more effective and efficient. Which, in turn, will aid law enforcement in the enforcement of laws and the capture of criminals.
- The confidentiality (protection of identity of persons filing reports) and the immunity granted to individuals filing good faith reports is critical. Revealing the identity of those contacting the programs with information and liability for erroneous reports would undoubtedly deter individuals from participating in the program.

FISCAL IMPLICATIONS

There is no appropriation contained within HB 921. However, there is a provision providing for the payment of the Council's per diem and mileage expenses. This will be a recurring expense to the General Fund.

SJM/njw