

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Altamirano DATE TYPED: 01/31/03 HB _____
SHORT TITLE: Bomb Scare Victim Reimbursement SB 31
ANALYST: Fox-Young

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 100

SOURCES OF INFORMATION

- Responses Received From
Administrative Office of the District Attorneys (AODA)
Administrative Office of the Courts (AOC)
Public Defender Department (PDD)
Attorney General (AG)

SUMMARY

Synopsis of Bill

Senate Bill 31 amends Section 30-20-16 NMSA 1978 to allow for reimbursement by an offender to a victim of the offense of making a bomb scare. A court may order a person convicted of making a bomb scare to reimburse the victim for economic harm caused by that offense.

“Economic harm” is defined as all direct, incidental and consequential financial harm suffered by a victim of the offense of making a bomb scare.

Section 30-20-16 NMSA 1978 shall not be construed to limit a court’s authority to order restitution to a victim of the offense of making a bomb scare pursuant to other provisions of law.

Significant Issues

The Attorney General (AG) notes that this bill requires criminal courts to alter their procedures to include the damage of “economic harm.”

The Association of District Attorneys (AODA) and Public Defender Department (PDD) each note that reimbursement of “actual damages” is currently covered by the Victim Restitution Act, Section 31-17-1. “Actual damages” is defined as “all damages a victim could recover against the defendant in a civil action arising out of the same facts or event.” This bill makes “economic harm” a valid basis for restitution, should it fail to fall within the broader definition of “actual damages” under 31-17-1.

DUPLICATION

Duplicates HB 100.

TECHNICAL ISSUES

The following technical changes would clarify the intent to include all costs encompassed by the phrase “economic harm,” including but not limited to the three listed in section D:

On page 2, line 6, after “includes” insert “but is not limited to”.

On page 2, line 16, after “scare” insert “or other similar costs”.

JCF/njw