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FISCAL IMPACT REPORT

SPONSOR: Leavell DATE TYPED: 2/7/03 HB _____

SHORT TITLE: Late-Night Convenience Business Security SB 281

ANALYST: Collard

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJM 4

SOURCES OF INFORMATION

Responses Received From
 New Mexico Environment Department
 Department of Public Safety

SUMMARY

Synopsis of Bill

Senate Bill 281 requires that late-night convenience businesses are equipped with security devices, including security cameras; a drop safe for restricted access to cash receipts; windows that allow a clear and unobstructed view from the outside of the building, and height markers for the purpose of employee safety. Failure of a business to comply with these security devices would result in a misdemeanor.

Significant Issues

The Environment Department notes the bill does not address employee training, outside lighting, or security audits. The Department of Public Safety indicates that the bill creates a new crime that the enforcement division would have to enforce.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety comments the bill impacts the department's performance measures. The Environment Department indicates that one of its Occupational Health and Safety Bureau performance measures is to reduce the number of injuries and illnesses in all industries. Senate Bill 281 establishes minimum uniform standards for some late night convenience stores, thus reducing the number of injuries, illnesses and fatalities.

RELATIONSHIP

Senate Bill 281 relates to Senate Joint Memorial 4. Senate Joint Memorial 4 directs the Environment Department to study issues relating to employee safety and security at late night retail stores. It also directs the department to develop and present safety regulation before the Environmental Improvement Board. Senate Bill 281 and Senate Joint Memorial 4 both apply to businesses open during the hours of 11:00 p.m. and 5:00 a.m. statewide; however, Senate Joint Memorial 4 includes additional areas of safety and security. Senate Joint Memorial 4 establishes a civil penalty through the Occupational Health and Safety Bureau, whereas Senate Bill 281 creates a criminal penalty, enforced by local law enforcement officials.

KBC/yr