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FISCAL IMPACT REPORT

SPONSOR: Jennings DATE TYPED: 10/29/03 HB _____

SHORT TITLE: Life Imprisonment for Certain Sex Crimes SB 6

ANALYST: Dunbar

APPROPRIATION

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

SOURCES OF INFORMATION

Responses Received From

Children Youth & Families Department (CYFD)
NM Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

Senate Bill 6 amends Section of the NMSA 1978, Section 31-18-15, Sentencing Authority, to provide a sentence of life imprisonment for criminal sexual penetration in the first degree when the victim is a child under thirteen years of age. The bill creates a new class of crime pertaining to sex crimes against children. Language is also added to allow the court to impose a fine of \$15,000 for a first-degree felony for a sexual offense.

Significant Issues

This bill creates a new class of crime known as a “first degree felony for a sexual offense against a child” and increases the penalty from a mandatory prison term of 12 to 24 years to a mandatory sentence of life imprisonment (at least 30 years in prison) for the offense of criminal sexual penetration in the first degree on a child under 13 years of age.

In the long term, beginning in approximately 12 to 18 years, the bill will increase prison population and associated costs due to the longer mandatory prison sentences.

FISCAL IMPLICATIONS

In the long term, beginning in approximately 12 to 18 years, the bill will result in a moderate to substantial increase in costs to the Corrections Department due to the longer prison sentences and increased prison population.

ADMINISTRATIVE IMPLICATIONS

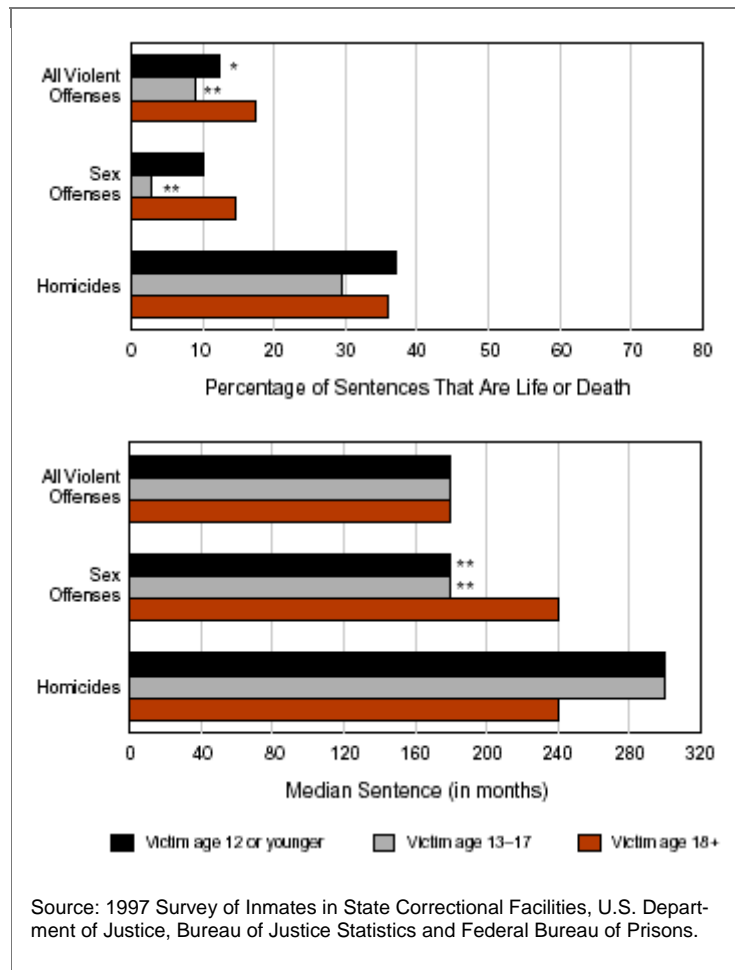
In the long term, there will be an increased administrative burden on prison personnel who will have to administer a longer prison population.

RELATIONSHIP

HB02 also proposes to amend the statutes discussed above.

OTHER SUBSTANTIVE ISSUES

The following table shows the sentences of violent offenders in state prisons, by offense and age of the victim, 1997. The table shows that the percentage of sentences that are life or death for sex offenses against children age 12 or younger is 10%.



According to the above survey, the data shows that offenders against children and teens are

somewhat less likely than offenders against adults to receive life or death sentences for their crimes. Twelve percent of offenders against children, 9 percent of offenders against teens, and 17 percent of offenders against adults received life or death sentences. However, because offenses against children and teens are often sex crimes and offenses against adults are often homicides, it is important to view these figures within the context of specific offenses. When viewed in this way, the only difference between child, teen, and adult victimizers appears to be that offenders against teens are less likely to receive life or death sentences for sex crimes.

TECHNICAL ISSUES

CYFD notes that the language in NMSA 1978, Section 31-21-10, Parole Authority and Procedure, should be changed to correspond to the language added in NMSA 1978, Section 30-9-11 and NMSA 1978, 31-18-15. Suggested language would be, “who was convicted for a first degree felony for a sexual offense against a child....”

BD/lg