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FISCAL IMPACT REPORT

SPONSOR Park DATE TYPED 2-9-04 HB 215

SHORT TITLE Life Imprisonment for Repeat Offenders SB _____

ANALYST Reynolds-Forte

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			Substantial--See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Corrections Department
 Administrative Office of the Courts
 Attorney General's Office
 Juvenile Parole Board
 Public Defender
 Health Department

SUMMARY

Synopsis of Bill

House Bill 215 amends existing criminal law by providing life imprisonment without parole for persons convicted of three violent felonies or two violent sexual offenses. Incarceration would be for the entirety of their natural lives.

House Bill 215 strikes current language which outlines the Parole Board's responsibility and requirements for inmates convicted of these crimes.

Significant Issues

Under current law, all persons sentenced to life imprisonment based on conviction of three violent felonies or two violent sexual offenses may be considered for parole by the Parole Board after serving thirty years. Current law requires the Parole Board to interview the inmate and consider all pertinent information including violence and circumstances of the crime, physical and mental examination reports and the impact on society.

FISCAL IMPLICATIONS

Because House Bill 215 converts previous 30-year life sentences to natural life, the prison population of those who are sentenced to spend the entirety of their natural life in the New Mexico prisons will increase. This increased population will result in a larger and older prison population which could affect geriatric services such as hospital care and disability accommodations. This geriatric population is one of the more expensive to maintain.

There is no appropriation for the increase in prison population for the Department in later years, particularly for the likely additional medical costs of older prisoners.

The contract/private prison annual costs of incarcerating an inmate based upon Fiscal Year 03 actual expenditures is \$20.7 thousand per year for males. The cost per client to house a female inmate at a privately operated facility is \$26.3 thousand per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility.

ADMINISTRATIVE IMPLICATIONS

In the long term, the bill could increase administrative burdens to the Corrections Department substantially as a result of a larger and older prison population of violent offenders.

The Public Defender's Office believes that their case loads could increase with passage of House Bill 215. They believe that when a defendant in a criminal case faces the possibility of a mandatory life imprisonment term, few will be willing to enter into negotiated pleas, thus increasing the time and difficulty of such cases. More of these cases will go to trial. At this time, the Public Defender's Office is unable to estimate the number of additional felony attorneys it would need to handle the increased caseload, plus support staff, including investigator and social workers.

OTHER SUBSTANTIVE ISSUES

The Corrections Department believes the bill would deter a small group of inmates with prior qualifying convictions who face life sentences with a third. Prisoners already incarcerated for two violent felonies or one violent sexual felony may be deterred from committing such a crime in prison.

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