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FISCAL IMPACT REPORT

SPONSOR Madalena DATE TYPED 2/18/05 HB 793

SHORT TITLE County Sheriff Appointment of Deputies SB _____

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

House Bill 793 amends current law by adding "New Mexico" when referencing state police and chief of police and adds the term "Nation" when the statute references tribes and pueblos.

The bill also changes a right of way line from US 666 to US 491.

This bill does not limit, impair or nullify the authority of county sheriffs to appoint pursuant to existing law duly commissioned state or federally certified officers who are employees of a police or sheriff's department of an Indian nation, tribe or pueblo in New Mexico or who are federal law enforcement officers employed by the bureau of Indian affairs as deputy sheriffs authorized to enforce New Mexico criminal and traffic law.

Significant Issues

The AODA states that this bill codifies current practice in New Mexico.

OTHER SUBSTANTIVE ISSUES

The AGO provided the following:

- An additional clarification that may be appropriate would be to add language to subsections C(3) and (4) making any suspension be in writing and distributed to the Indian nation, tribe or pueblo and the chief of the New Mexico state police.
- Another clarification that may be needed in reference to section D, is to add language at the end as established under the laws of the United States”, and cite specifically 18 U.S.C. Sec 1151.

DW/yr