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FISCAL IMPACT REPORT

SPONSOR Garcia, MP DATE TYPED 2/24/05 HB 808

SHORT TITLE Expand Drug-Free School Zone Definition SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$20.0-500.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Attorney General (AGO)
- Department of Corrections (NMCD)
- Department of Health (DOH)
- Public Defender Department (PDD)
- Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 808 expands the definition of drug-free school zone to include parochial, private and charter schools. It also removes the existing exclusion for drug sales from private residences which are within the drug-free school zone from the penalty enhancement provisions.

The drug-free school zone law provides for enhanced penalties for drug sales and distribution within the specified school zone. This bill would expand the penalty enhancements to convictions for sales and distribution near non-public schools and in private residences near public and non-public schools.

FISCAL IMPLICATIONS

By expanding the definition of drug-free school zone and removing the private-residence exemption, there may be more drug arrests that are subject to penalty enhancement and longer prison sentences. This could result in cost increases to the NMCD. However, according to NMCD, the number of convictions falling under the new language would be minimal.

TECHNICAL ISSUES

The bill expands the definition to include charter schools, but charter schools are considered public schools.

EF/yr