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FISCAL IMPACT REPORT

SPONSOR Zanetti DATE TYPED 2/25/05 HB 1094

SHORT TITLE Define " Violent Felony" for Sentencing SB _____

ANALYST Wilson

APPROPRIATION

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

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Corrections Department (CD)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 1094 changes the definition of violent felony for the purposes of the mandatory life sentence after three violent felonies. Under the current statute the definition of violent felony is limited to five specific crimes. This bill changes the definition to any first or second degree felony that involves force or the threatened use of force.

Significant Issues

The AGO states the new language broadens the types of crimes that will qualify for the purpose of sentencing a person convicted of three violent felonies to a term of life imprisonment. Crimes such as second degree criminal sexual penetration and attempt to commit first degree murder will now qualify as a violent felony. This will increase the number of persons sentenced to life imprisonment.

The PDD believes most of the present offenses involving violence and carrying a first degree felony sentence are already included in the present enumerated list in current law. Many offenses involving violence and carrying a second degree felony sentence are also already included in the

present enumerated list. This bill will add very few additional qualifying offenses.

The PDD noted two offenses it does add are assault with intent to commit a violent felony upon a school employee and assault with intent to commit a violent felony upon peace officer.

FISCAL IMPLICATIONS

The CD believes in the short run this bill will not greatly impact the prisons. However prisoners serving life sentences take up bed space which forces the CD to find additional space for the new prisoners. This will, over time lead to significant increases in the prison population.

The private prison annual costs of incarcerating an inmate is \$20,720 per year for males. The cost per client to house a female inmate at a privately operated facility is \$26,313 per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a private facility.

The added expense to the CD will further increase as the prison population ages. Geriatric prisoners require addition medical attention. The CD will be forced to absorb these costs for prisoners serving life sentences.

ADMINISTRATIVE IMPLICATIONS

Initially this will lead to only marginally impact administration of the CD. However more prisoners serving life sentences will lead to an aging prison population requiring special attention and care. This will eventually lead to a significant burden on the CD.

DW/lg