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## FISCAL IMPACT REPORT

SPONSOR Martinez DATE TYPED 2/7/05 HB \_\_\_\_\_

SHORT TITLE Earned Meritorious Deduction Changes SB 600

ANALYST Peery

### APPROPRIATION

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

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 New Mexico Corrections Department (NMCD)  
 Parole Board (PB)  
 Public Defender Department (PDD)

#### No Response

New Mexico Sentencing Commission (NMSC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 600 amends Section 33-2-34, NMSA 1978, to provide for a maximum of 30 days per month earned meritorious deductions to prisoners convicted of nonviolent offenses following parole revocation for a reason other than the alleged commission of a new felony offense or absconding from parole. The proposed legislation states that prisoners convicted of violent offenses are not eligible for earned meritorious deductions following parole revocation.

## **PERFORMANCE IMPLICATIONS**

NMCD reports the proposed legislation could improve the performance of the Department's prisons by potentially reducing the number of technical parole violators in the prisons leading to staff having more time and resources to devote to the safe housing of those remaining inmates.

## **FISCAL IMPLICATIONS**

NMCD reports the proposed legislation could have a minimal to moderate positive fiscal impact on the Department by reducing the number of technical parole violators in the prison system. NMCD estimates that 40 to 50 nonviolent technical parole violators are sent back to prison in any given year.

## **ADMINISTRATIVE IMPLICATIONS**

NMCD states it will be a positive administrative impact to the extent the proposed legislation gives prison staff more time, resources and prison bed space to perform their prison operation duties.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

AOC states the proposed legislation conflicts with Senate Bill 63, Senate Bill 236, Senate Bill 599, Senate Bill 601, House Bill 420, House Bill 421 and House Bill 505.

## **OTHER SUBSTANTIVE ISSUES**

NMCD reports the proposed legislation would help slow the rate of prison growth by allowing non-violent technical parole violators to be released or discharged from prison earlier because of earning larger amounts of good time. The bill would not allow non-violent inmates who have their parole revoked because of the alleged commission of a new crime or for absconding from parole to earn up to 30 days of good time a month. Their good time after their parole is revoked would still be limited to a maximum of 4 days per month, in accordance with Section 33-2-34 (A) (3) NMSA 1978.

**RLP/njw**