

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR McSorley DATE TYPED 02/25/05 HB _____

SHORT TITLE Interstate Domestic Violence Orders SB 812

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Minimal – See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General (AGO)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 812 enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. It provides for enforcement by New Mexico courts and law enforcement of valid foreign protection orders. The bill provides immunity from civil and criminal liability to law enforcement officers, state officials and local officials involved in enforcement under the Act.

Significant Issues

The model act was approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws (NCCUSL), which provided the following explanation:

The Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act ("the Act") provides a uniform mechanism for the interstate enforcement of domestic-violence protection orders. The need for such a mechanism is founded on the widespread understanding that States have not consistently or effectively enforced domestic-violence protection orders is-

sued by other States. The Act, therefore, has two main purposes. First, it defines the meaning of interstate enforcement in the context of the enforcement of domestic-violence protection orders. Second, it establishes uniform procedures for the effective interstate enforcement of domestic-violence protection orders.

Many States, recognizing the severity of the problems regarding the interstate enforcement of domestic-violence protection orders, have enacted legislation requiring their courts to enforce the domestic-violence protection orders of other States. Many of these statutes, however, while mandating enforcement, are either silent or ambiguous regarding several important questions that must be answered in order to establish an effective system for the interstate enforcement of these orders. The Congress of the United States, as well, has enacted legislation requiring interstate enforcement of domestic-violence protection orders, but this legislation is also silent or ambiguous regarding these important questions.

First, many of the existing statutes do not sufficiently explain the core requirements of interstate enforcement of protection orders. For example, many of the state statutes, and the federal legislation, require courts and law enforcement officers to enforce the orders of other States as if they were the protection orders of the enforcing State. This provision, however, does not answer the question of whether state courts and officers are required to enforce provisions of foreign protection orders that would not be authorized by the law of the enforcing State. This question, and others, must be answered if there is to be effective uniform enforcement of protection orders. Second, many of the existing statutes do not specify the procedures state courts and officers must follow in enforcing foreign protection orders. For example, many of the statutes are silent on whether individuals seeking the enforcement of a protection order must register or file the order with the enforcing state before action can be taken on their behalf. This Act resolves the issues left unanswered in existing legislation and provides a uniform scheme for enforcement of these orders.

FISCAL IMPLICATIONS

Current law requires the state courts to give full faith and credit to tribal court orders of protection and orders of protection of other states. The new provisions of this bill should not result in significant costs to the state.

EF/lg