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FISCAL IMPACT REPORT

SPONSOR Campos DATE TYPED 2/14/05 HB _____

SHORT TITLE Child Abuser Registration & Notification Act SB 580

ANALYST Peery

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Department of Public Safety (DPS)
 Public Defender Department (PDD)
 New Mexico Corrections Department (NMCD)
 Administrative Office of the Courts (AOC)

No Responses

Municipal League
 Association of Counties

SUMMARY

Synopsis of Bill

Senate Bill 580 creates the Child Abuser Registration and Notification Act. This Act requires convicted child abusers to register with local law enforcement agencies. Section 1 is the short title and creates the Child Abuser Registration and Notification Act. Section 2 contains definitions and defines a child abuser as someone at least 18 years of age who has been convicted for abuse of a child. The would also include someone who moves to New Mexico from another state, nonresidents who are employed for 14 days or more in New Mexico, and students enrolled in New Mexico after being convicted of child abuse offense. Section 3 requires convicted child abusers to register with the county sheriff for the county in which the child abuser resides. Registration must be accomplished within 10 days of a convicted abuser's release from the custody

of the Corrections Department or being placed on probation. This section lists information that the registrant must give, such as photograph, fingerprints and notes of tattoos or scars. A child abuser convicted of child abuse resulting in great bodily harm is required to renew registration prior to December 31 for twenty years. A child abuser convicted of child abuse that does not result in death or great bodily harm is required to renew registration prior to December 31 for ten years. Section 4 establishes the procedure for nonresidents convicted of child abuse that move to New Mexico that includes registration within 30 days. Section 5 requires local sheriffs to maintain a local registry of child abusers in their counties. Sheriffs will be required to submit registry information to the Department of Public Safety for maintenance of a central statewide registry. Department of Public Safety must adopt rules to carry out the Act, and provide public access to the registry. Section 6 requires courts and the Corrections Department to notify convicted child abusers in writing of their duty to register, renew registry and report changes. A person subject to the Act must sign a form acknowledging the person read the form and listened to an explanation of the requirements under the Act. Section 7 provides that no cause of action is created against any employer so long as the employer complies with the Act.

PERFORMANCE IMPLICATIONS

DPS states the proposed legislation would require the Department to house, maintain, update and release the child abuser registry with no FTE or additional funding.

AOC reports the proposed legislation may have an impact on the measures of the district courts in the following areas: cases disposed as a percent of cases filed, percent change in case filings by case type, and clearance rate.

FISCAL IMPLICATIONS

DPS states the proposed legislation presents tremendous fiscal implications for the Department. The proposed legislation does not carry an appropriation, and is an unfunded mandate to DPS and the 33 county sheriffs. DPS reports without further study, and based on the lack of specificity of the Act, it is impossible to ascertain how many child abusers would be registered or be required to register in New Mexico.

AOC reports additional fiscal impact on the judiciary is proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts requiring additional resources to handle the increase.

NMCD states the creation of two new fourth degree felonies will increase cost to the Department due to having to house and supervise violators. NMCD reports the number of people convicted of failing to register as a child abuser together with the notification requirement is likely to have a significant impact on the Department as it will add a class of offenders to supervise. The Department anticipates it will require 1 FTE to properly supervise every 25 new offenders.

ADMINISTRATIVE IMPLICATIONS

DPS would be required to house, maintain, update and release the child abuser registry.

AOC states there may be an administrative impact on the courts commensurate with the increase

in caseload and/or in the amount of time necessary to dispose of cases.

NMCD states the Department would have the added administrative burden of tracking child abusers in the system to be sure they are notified on release. NMCD reports there may be a slight administrative burden on the Probation and Parole Division because they will have the burden of being sure probationers register.

TECHNICAL ISSUES

DPS states the proposed legislation lacks a definitional structure as to exactly which crimes constitute child abuse in New Mexico. DPS reports there is no applicability mentioned in the proposed legislation. It is presumed that the applicability would be for convictions on or after the effective date of the Act.

PED reports Section 7 discusses liability imposed upon employers where the bill does not impose any duties upon employers.

OTHER SUBSTANTIVE ISSUES

NMCD states the proposed legislation does not define child abuse or child abuse offense in a clear and concise manner which may lead to confusion. NMCD reports the bill is not clear as to when the registration will take affect of if previously convicted child abusers have to register. NMCD reports the bill does not state if the registry shall be published or if any information is confidential. NMCD states information on child abusers is already in a variety of other locations, such as AOC and Children, Youth and Families Department.

ALTERNATIVES

DPS would like consideration to remove Senate Bill 580 and instead passing a Senate Joint Memorial requesting DPS and the New Mexico Sentencing Commission to conduct a study of the issues raised by a child abuser registry. DPS states it is unknown whether any other states or jurisdictions have such a registry, the effectiveness, and the impact on presumably stopping child abuse.

RLP/yr