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FISCAL IMPACT REPORT

SPONSOR Grubestic ORIGINAL DATE 2/7/2006
LAST UPDATED _____ HB _____
SHORT TITLE Sentences for Felonies by Public Officials SB 305
ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	None		

(Parenthesis () Indicate Expenditure Decreases)

Related to: HB 263

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
Administrative Office of the Courts (AOC)
Corrections Department (CD)
NM Sentencing Commission (NMSC)

SUMMARY

Synopsis of Bill

Senate Bill 305 enhances felony crimes that are related to, arise from, or are connected with an official's public office. The bill defines "public official" to include persons elected or appointed to any public office covered by the Campaign Reporting Act. The enhancement contemplated under this bill involves an additional fine equal to the value of the official's salary and benefits received after the first criminal act forming the basis for the felony conviction.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

Whether the offender is a public official covered by this bill, and whether the criminal conduct at issue is related to that person's public office, must be proven beyond a reasonable doubt as a

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separate finding of fact made by a court or jury. Any fine would be discretionary with the sentencing court.

Related to: HB 263 that enhances a prison sentence for the same or related felony conviction.

BMC/mt