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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/06

SPONSOR McSorley LAST UPDATED _____ HB _____

SHORT TITLE Domestic Abuse Victim Substitute Addresses SB 545

ANALYST Medina

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to the Family Violence Protection Act
 Duplicates House Bill 108

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)
 Attorney General (AG)

SUMMARY

Synopsis of Bill

Senate Bill 545 amends the Family Violence Protection Act (Chapter 40, Article 13 NMSA 1978) to provide that a victim of domestic abuse, or the victim's representative as defined by Section 31-26-3 NMSA 1978 who has reason to believe that their safety is at risk may apply to the Secretary of State to the use of the Secretary of State as a substitute address.

The bill requires that an application for use of the Secretary of State as a substitute address be provided by the Secretary of State and that it include space for the applicant to enter: a statement that the Secretary of State is acting as an agent of the victim for purposes of the forwarding address, a new mailing address for forwarding received mail and a telephone number where the victim can be contacted by the Secretary of state, payment of a \$75.00 application fee, and the signature of the victim or victim's representative.

The bill also provides that the Secretary of State maintain a confidential record of applications for a substitute address and forward any mail received on behalf of a victim of domestic abuse to the new mailing address provided on the application.

FISCAL IMPLICATIONS

This bill does not contain an appropriation to the Secretary of State's office in order to provide for any administrative costs incurred by the Secretary of State for implementation of the substitute address program. The provisions of this bill may require that additional resources be appropriated to the Secretary of State.

SIGNIFICANT ISSUES

According to the Attorney General's office, New Mexico ranks third in the nation for domestic violence-related homicides. There were 26,940 law enforcement reported domestic violence incidents in New Mexico in 2004, a rate of 15.3 incidents of domestic violence for every 1,000 persons. The goal of this measure is to help victims of domestic violence stay safe. It is designed to prevent offenders from using state and local government records to locate the victims.

The \$75.00 application fee for participation in the substitute address program may be waived if the applicant is indigent.

ADMINISTRATIVE IMPLICATIONS

The Secretary of State asserts that, due to the volume of and sensitivity of any mail received, a separate database may be needed to log any mail received. The Secretary of State also contends that additional staff will be needed to catalog, send, and receive mail. Applications will need to be reviewed and confidential records will need to be maintained.

According to the Secretary of State, twenty other states currently have a program similar to that proposed by this bill. Of those states, many employ the services of an employee who has been through a background check and is trained to handle sensitive materials as well as a program manager to implement the substitute address program.

DXM/nt