

AN ACT

RELATING TO CRIMINAL SENTENCING; CREATING PROCEDURES FOR CERTAIN LEGISLATION THAT WOULD INCREASE, DECREASE OR CREATE CRIMINAL PENALTIES; REQUIRING THAT AN APPROPRIATION ACCOMPANY ANY SUCH LEGISLATION; REQUIRING FISCAL IMPACT STATEMENTS; CREATING A FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LEGISLATION TO INCREASE, DECREASE OR CREATE PERIODS OF IMPRISONMENT--FISCAL IMPACT STATEMENTS--PROCEDURE.--

A. The New Mexico sentencing commission shall prepare a fiscal impact statement as provided in this section for a bill that:

(1) creates a new crime or repeals an existing crime for which imprisonment is authorized;

(2) increases or decreases the period of imprisonment authorized for an existing crime;

(3) imposes or removes mandatory minimum terms of imprisonment; or

(4) modifies the law governing release of inmates in such a way that the time served in prison will increase or decrease.

B. A fiscal impact statement shall reflect the estimated increase in annual operating costs for the

corrections department attributable to the bill if it becomes law. The estimated increase in annual operating costs shall reflect the highest annual increase from the projected increase for the six fiscal years following the effective date of the law and shall be calculated in current dollars. The fiscal impact statement shall include details concerning any increase or decrease in the inmate population.

C. The amount estimated in a fiscal impact statement shall be printed in the title of the bill and shall be included in the bill as a one-year appropriation from the general fund to the criminal justice special fund. If the New Mexico sentencing commission does not have sufficient information to project the fiscal impact, the fiscal impact statement shall state that there is insufficient information to estimate the fiscal impact and the words "costs cannot be determined" shall be printed in the title of the bill.

D. For each law enacted that results in a net increase in periods of imprisonment in adult correctional facilities and for which a fiscal impact statement has been prepared, an appropriation shall be made from the general fund to the criminal justice special fund in an amount equal to the amount estimated in the fiscal impact statement.

E. The New Mexico sentencing commission shall prepare fiscal impact statements for bills described in Subsection A of this section only if they are presented no

later than December 1 to the commission, to the interim legislative committee that oversees criminal justice or to the legislative finance committee. The New Mexico sentencing commission shall complete the fiscal impact statements no later than January 15 of the following calendar year and shall forward copies of the statements to the legislative council service and the legislative finance committee and to the chief clerk of the house of representatives and the chief clerk of the senate for transmittal to the primary sponsors of the legislation and to the chair of each committee assigned to consider the legislation.

F. The corrections department shall annually provide the New Mexico sentencing commission with the average operating costs per inmate and the number of inmates in adult correctional facilities.

G. As used in this section, "operating costs" means all costs other than capital outlay costs for state-operated adult correctional facilities and privately operated adult correctional facilities.

Section 2. CRIMINAL JUSTICE SPECIAL FUND--CREATED.--

A. The "criminal justice special fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund. Money in the criminal justice special fund shall not revert to the

general fund.

B. Money in the criminal justice special fund shall be subject to appropriation by the legislature for criminal justice purposes, including operational costs of the corrections department, courts, district attorneys and the public defender department.

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007. \_\_\_\_\_