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FISCAL IMPACT REPORT

	ORIGINAL DATE 1/23/07		LAST UPDATED 1/26/07		HB 191/aHJC
SPONSOR	Chasey				
	Appropriation for Comprehensive Background				
SHORT TITLE	Investigations for Criminal Defendants				SB
					ANALYST C.Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$400.00	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$400.00		Non-Recurring	Bernalillo County Metropolitan Court

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Bernalillo County Metropolitan Court (BMC)

SUMMARY

Synopsis of HJC Amendment

On page 1, line 19, the amendment strikes “comprehensive” and inserts in lieu thereof “criminal and motor vehicle department”.

Synopsis of Original Bill

House Bill 191 appropriates \$400,000 in FY08 from the general fund to the Bernalillo County

Metropolitan Court to hire staff and related expenses to perform more comprehensive background investigations of criminal defendants, who are arraigned and/or posting bonds at the Metropolitan Court.

FISCAL IMPLICATIONS

The Bernalillo County Metropolitan Court's estimated proposed operating budget impact is as follows:

- 5 full time Background Investigators @ \$53,630 per employee
- 1 full time Judicial Supervisor @ \$53,630
- 1 full time Pretrial Services Supervisor @ \$60,120
- Total cost of the 7 full time employees @ \$381,900
- Education and Training of staff @ \$2,800
- Equipment, supplies and database fees @ \$15,300
- TOTAL -- \$400,000

SIGNIFICANT ISSUES

When Bernalillo County Metropolitan Court Judges are making decisions to release, detain, set appropriate bond and/or conditions of release for a criminal defendant, the only information provided to them is from the Metropolitan Court's database. Judges would be better able to evaluate community safety and flight risk issues when deciding whether to release or detain a defendant by providing them with statewide and national criminal histories and any pending criminal cases. This would allow the Judges to identify those defendants who are violent felons, habitual offenders, including repeat domestic violence or "driving while intoxicated" offenders, or who have felony warrants from other states or other jurisdictions in New Mexico.

PERFORMANCE IMPLICATIONS

Currently, the Metropolitan Court only has the resources to conduct local warrant searches on the National Crime Information Center ("NCIC") database and on the Court's own database for criminal defendants who are being booked into the Metropolitan Detention Center. If the Metropolitan Court were awarded the proposed appropriation of \$400,000, it would permit the Court to augment its current program and increase community safety by making it possible to hire, train and equip seven (7) additional staff members and expand the Court's background investigation procedures.

This appropriation would allow the Court to check the following additional records for all criminal defendants:

- (1) Local and national warrants on NCIC;
- (2) Metropolitan Court criminal history;
- (3) NCIC criminal history;
- (4) New Mexico State Probation & Parole;
- (5) pending Federal cases and Federal probation;
- (6) New Mexico State Judiciary database;
- (7) Motor Vehicle Division database; and
- (8) U.S. Immigration and Customs Enforcement Wanted List.

In addition, the Court would be able to notify other governmental agencies of the new offense(s) with which any criminal defendant is charged.

ADMINISTRATIVE IMPLICATIONS

See previously noted implications.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. The following table provides four examples of the criminal histories that would have gone undetected using the current investigation procedures versus the proposed procedures:

DEFENDANT NO.	CHARGE	CURRENT PROCEDURES	PROPOSED PROCEDURES
1	<ul style="list-style-type: none"> • Fraud 	<ul style="list-style-type: none"> • No criminal history 	<ul style="list-style-type: none"> • 12 misdemeanor arrests ranging from shoplifting to prohibited acts in four different states with 1 misdemeanor conviction. • 8 felony arrests ranging from kidnapping, rape, grand larceny and burglary in four different states with 2 felony convictions.
2	<ul style="list-style-type: none"> • DWI (1st) 	<ul style="list-style-type: none"> • DWI (1 prior conviction) 	<ul style="list-style-type: none"> • 2 misdemeanor arrests out of state. • 11 out of state felony arrests ranging from drugs, residential burglary to burglary with 3 felony convictions.
3	<ul style="list-style-type: none"> • DWI (3rd) 	<ul style="list-style-type: none"> • DWI (2 prior convictions) 	<ul style="list-style-type: none"> • Additional DWI conviction from a different state. • 6 felony arrests with two rape charges in two different states and a sexual abuse charge in a 3rd state with 3 felony convictions.
4	<ul style="list-style-type: none"> • Aggravated DWI (2nd) 	<ul style="list-style-type: none"> • DWI (1 prior conviction and revoked license) 	<ul style="list-style-type: none"> • 2 additional DWIs in other NM counties. • 14 felony arrests in six different states with 5 felony convictions in 4 states.