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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/12/07

SPONSOR HJC LAST UPDATED \_\_\_\_\_ HB 446/HJCS

SHORT TITLE Damage to Household Member's Property SB \_\_\_\_\_

ANALYST Hanika Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

The House Judiciary Committee Substitute for House Bill 446 adds a new Section of Chapter 30, Article 15 NMSA 1978 which creates a new criminal offense of criminal damage to property with intent to threaten or intimidate. Whoever commits this crime is guilty of a petty misdemeanor, except that when the damage to the property amounts to more than one thousand dollars (\$1,000) the crime is a fourth degree felony. The bill further provides that ownership interests in the damaged property are not a defense to the crime.

### FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be 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, thus requiring additional resources to handle the increase.

### PERFORMANCE IMPLICATIONS

Neither the AGO nor the PDD have had time to comment on the substitute bill.

**SIGNIFICANT ISSUES**

The bill attempts to address the issue of whether a person can be guilty of criminal damage to property that he owns with another. Under current law, criminal damage to property consists of intentionally damaging any real or personal property of another without the consent of the owner of the property. The penalties are the same as are in the bill.

**TECHNICAL ISSUES**

The substitute bill provides that the crime must include property damage with an intent to “threaten or intimidate” as to declare a gravity of purpose; and, may likely result in substantial litigation to tie down exactly what this term means in this instance.

**OTHER SUBSTANTIVE ISSUES**

This legislation is related to the Family Violence Protection Act, NMSA 1978, sections 40-13-1, *et seq.* which is intended to prevent domestic abuse. Section 40-13-2(C)(6) defines "domestic abuse" as any incident by a household member against another household member resulting in criminal damage to property and allows the victim to obtain a protective order against the offending household member.

AHO/csd