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FISCAL IMPACT REPORT

SPONSOR HJC ORIGINAL DATE 3/06/2007
LAST UPDATED _____ HB 522/ HJCS
SHORT TITLE Violent Felonies for Sentencing SB _____
ANALYST Schuss

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NA	Unknown	Unknown	Unknown	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Sentencing Commission (NMSC)

SUMMARY

Synopsis of Bill

The House Judiciary Committee Substitute for House Bill 522 adds to the list of violent felonies in the Criminal Sentencing Act for purposes of mandatory life imprisonment on conviction of three violent felonies.

FISCAL IMPLICATIONS

NMCD stated the following issue in their analysis of the original bill:

The proposed legislation makes it more likely that individuals will be convicted of the expanded list of violent felonies. NMCD reports this means more individuals, who are now convicted of three designated violent felonies, will be sentenced to life imprisonment. NMCD reports life imprisonment means 30 years with no possibility of parole until after 30 years.

If the proposed legislation causes moderate to substantial increases in prison population, it is likely the department will have to build new prisons, expand current prisons or contract with the private sector to house prisoners.

If a substantial number of individuals begin serving life sentences as a result of the

expansion statute, the department's prison population is likely to eventually increase by a moderate to substantial amount. NMCD notes there is no appropriation in the proposed legislation to cover these potentially very substantial costs.

The annual cost of incarcerating an inmate is \$23,867 per year for males and \$21,651 per year for females. The cost per client in probation and parole for a standard supervision program is \$1,467 per year, for an intensive supervision program is \$3,383 per year, for a NMCD community corrections program is \$3,503 per year, for a privately-owned community corrections program is \$7,917 per year, and for male and female residential community corrections program is \$39,401 per year.

SIGNIFICANT ISSUES

The following have been added to the list of violent felonies:

- *voluntary manslaughter*
- *third degree aggravated battery*
- *third degree aggravated battery against a household member*
- *second or third degree shooting at a dwelling or occupied building*
- *second or third degree shooting at or from a motor vehicle*
- *first degree kidnapping*
- *first or second degree criminal sexual penetration*
- *second or third degree criminal sexual contact of a minor*
- *first or second degree robbery*
- *second degree aggravated arson*
- *third degree aggravated battery upon a peace officer*
- *assault with intent to commit a violent felony upon a peace officer*
- *aggravated assault upon a peace officer*

ADMINISTRATIVE IMPLICATIONS

NMCD stated in the original bill that the proposed legislation will make it difficult for the department to provide its current level of prison-related services without hiring additional staff or seeking out additional prison facilities.

PDD reported in the original bill that legislation resulting in increased sentences always create the possibility that more criminal defendants will proceed to trial instead of accepting a plea offer. This will result in an increased caseload and additional court time for the department's attorneys. Because of the severity of the sentence, sentences resulting in the imposition of life or life without the possibility of parole will be appealed, possibly increasing appellate caseload for the department, the Attorney General's Office, and the appellate courts.

BS/mt