

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE
LAST UPDATED 2/8/07 **HB** 932

SPONSOR King

SHORT TITLE Violent Felonies for Sentencing **SB** _____

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 New Mexico Corrections Department (NMCD)

No Responses Received From

Administrative Office of the District Attorneys
 New Mexico Sentencing Commission
 Public Defender Department
 Children, Youth and Families Department

SUMMARY

Synopsis of Bill

House Bill 932 amends Section 31-18-25 NMSA 1978 to include sexual contact of a minor in the second or third degree within the definition of "violent sexual offense" as used in the Criminal Sentencing Act of Section 31-18-1 NMSA 1978. Individuals convicted of two violent sexual offenses must be sentenced to life imprisonment.

FISCAL IMPLICATIONS

NMCD states it is difficult to determine just how many more life sentences will result from the proposed legislation. NMCD reports one life sentence, 30 years, costs approximately \$720 thousand. NMCD notes there is no appropriation in the proposed legislation to cover the costs of incarcerating even one more person given a life sentence.

NMCD states 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.

AOC states there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. AOC reports any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and appeals from convictions. AOC notes new laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts requiring additional resources.

SIGNIFICANT ISSUES

NMCD states by expanding the definition of a violent sexual offense to include criminal sexual contact of a minor in the second or third degree, it is more likely that a person will be convicted of two violent offenses leading to a sentence of life imprisonment. NMCD reports the proposed legislation will increase the prison population by a minimal to moderate amount.

PERFORMANCE IMPLICATIONS

AOC states the proposed legislation may have an impact on performance measures pertaining to cases disposed of as a percent of cases filed and percent change in case filings by case type.

ADMINISTRATIVE IMPLICATIONS

NMCD states individuals given life sentences sometime are management problems. NMCD reports these inmates are more likely to attempt to cause prison disturbances and often are very litigious and difficult to work with. NMCD states these inmates sometimes require a lot of attention from prison administration.

AOC states as penalties become more severe, defendants may invoke their rights to trial and their right to trial by jury. AOC notes more trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation has relationships to House Bill 520, House Bill 773, Senate Bill 468 and Senate Bill 467.

RPG/sb