

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 2/24/07
 LAST UPDATED 2/21/07 HB 1000/aHCPAC

SPONSOR Maestas

SHORT TITLE Expand Definition of Ticket Scalping SB _____

ANALYST Leger

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Gaming Control Board (GCB)
 New Mexico Attorney General's Office (AGO)
 New Mexico Corrections Department (CD)

SUMMARY

Synopsis of HCPAC amendment

On page 2, line 5, strike "five" and insert in lieu thereof "one".

On page 2, line 7, strike "yards" and insert in lieu thereof "feet".

"at the place of admission or printed on the ticket within one hundred yards of the box office location for a college or professional athletic event or one hundred feet for all other events."

"Synopsis of Original Bill"

House Bill 1000 amends NMSA Section 30-46-1 to expand the definition of "ticket scalping" to include, along with specified penalties;

- Selling, offering for sale or attempting to sell, *whether in person or by electronic means*, any ticket, privilege, license, admission or pass to any event at a greater price than the

ticket price = **misdemeanor**

- A person other than the authorized ticket seller selling, authorizing for sale or attempting to sell any ticket, privilege, license, admission or pass to any event at a price equal to or less than the ticket price within 500 yards of the box office for a college or professional athletic event or 100 yards for all other events = **petty misdemeanor**

FISCAL IMPLICATIONS

As reported by AOC, there will be 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.

The Corrections Department states that the expansion of the law changes the parameters of a misdemeanor offense. This could possibly increase their department costs by the minimal addition to the inmate population and probation/parole caseloads if an individual is convicted of more than one violation and is sent to prison.

SIGNIFICANT ISSUES

According to the AGO the bill does not define “electronic means”. Also not defined is “event”, which could presumably include any function or gathering requiring the payment of an admission price. Also unclear is whether the bill can regulate the sale of tickets by persons outside of New Mexico to persons in New Mexico, or by persons outside of New Mexico for events held in New Mexico.

PERFORMANCE IMPLICATIONS

According to AOC, since the courts participate in performance-based budgeting, this bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

JL/nt