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FISCAL IMPACT REPORT

ORIGINAL DATE 2/16/07

SPONSOR Gutierrez LAST UPDATED _____ HB 1118

SHORT TITLE Removal of Shoplifting Suspects SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From
 Department of Public Safety (DPS)
 Administrative Office of the Courts (AOC)

No Responses Received From
 New Mexico Municipal League
 New Mexico Association of Counties

SUMMARY

Synopsis of Bill

House Bill 1118 amends Section 30-16-23 NMSA 1978 to require an officer or merchant to take a person suspected of shoplifting into custody through an exit not commonly used by the general public as an entrance. The proposed legislation also would not hold a merchant criminally or civilly liable if the person suspected of shoplifting was removed from the premise through a non-public exit, if such an exit exists.

FISCAL IMPLICATIONS

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.

SIGNIFICANT ISSUES

DPS states there are many factors that simultaneously occur when any arrest is being made that requiring a person to consider which exit the potential offender should be removed through may not always be practical or possible.

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

AOC notes new laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts requiring additional resources.

OTHER SUBSTANTIVE ISSUES

DPS states that most business establishments have security devices in their merchandise and the common occurrence of these devices incorrectly sounding alarms has made the public used to being questioned or cleared.

RPG/csd