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FISCAL IMPACT REPORT

ORIGINAL DATE 2/08/07
 SPONSOR Adair LAST UPDATED 3/15/07 HB _____
 SHORT TITLE Increase Domestic Violence Probation Time SB 820/aHJC
 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	NA	Unknown	Unknown	Unknown	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Responses Received From

- Attorney General’s Office (AGO)
- Public Defender Department (PDD)
- Administrative Office of the Courts (AOC)
- State Treasurer’s Office (STO)
- Department of Finance Administration (DFA)

No Responses Received From

- Administrative Office of the District Attorneys
- Governor’s Office

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to Senate Bill 820 adds language requiring that upon conviction an offender will be required to participate in and complete a domestic violence offender treatment program approved by the Children, Youth and Families Department. Also, the amendment adds language stating if an offender violates a condition of probation, the courts may impose any sentence that the court could originally have imposed and credit shall not be given for time served by the offender on probation.

Synopsis of Original Bill

Senate Bill 820 amends Section 30-2-15 and Section 30-3-16 NMSA to include subsections providing that if a sentence imposed upon conviction of the crime of battery or aggravated battery against a household member is suspended or deferred a period of probation that may extend beyond 364 days but many not exceed two years.

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

DFA states the proposed legislation if enacted will have a fiscal impact on the New Mexico Corrections Department and Children, Youth and Families Department. DFA states the increased cost is dependent on the number of individuals sentenced to longer probation and is undetermined.

SIGNIFICANT ISSUES

AOC states there are limited resources around the state for monitoring domestic violence offenders. AOC reports the courts, corrections department and county compliance programs lack the staff and resources to provide the comprehensive monitoring necessary for full oversight of a probationer.

DFA notes the proposed legislation allows a person who is convicted of battery against a household member, a misdemeanor, up to two years of probation. Currently probation for a misdemeanor is only up to one year.

AGO state a longer period of jurisdiction would permit a defendant to attend counseling, 52-week programs are preferred. AGO notes that frequently a defendant may be required to attend recommended counseling as part of the individual's sentence; however, the court jurisdiction may end prior to completion of counseling. AGO states the longer period of jurisdiction allows the courts to impose and monitor defendants regarding compliance with treatment.

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.

DFA state longer probation periods for those convicted of domestic violence may assist the New Mexico Corrections Department by lowering the recidivism rate for those convicted and sentenced to only probation. DFA reports longer probation may allow the New Mexico Corrections Department to have a greater impact with domestic violence programming leading to lower repeat offenders.

ADMINISTRATIVE IMPLICATIONS

DFA states the longer probation periods will require more time being spend by staff of the New Mexico Corrections Department and Children, Youth and Families Department in monitoring and any needed programming.