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## FISCAL IMPACT REPORT

	<b>ORIGINAL DATE</b> 2/15/07		
<b>SPONSOR</b>	Taylor	<b>LAST UPDATED</b>	<b>HB</b>
	Prohibit Intimidation of Judges & District		
<b>SHORT TITLE</b>	Attorneys	<b>SB</b>	1133
			<b>ANALYST</b> C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

**Duplicates, HB 1192**

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Bernalillo County Metropolitan Courthouse (BCMC)

Public Defenders (PD)

Administrative Office of District Attorneys (AODA)

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 1133 would enact a new section of the Criminal Code prohibiting the intimidation or threatening of a judge, district attorney or peace officer who is or may become involved in a judicial, administrative, legislative or other official cause or proceeding for the purpose of preventing or influencing a ruling, prosecution, investigation or testimony.

The bill would also criminalize retaliation, i.e. causing bodily injury or damage to property or threatening to do so, with the intent to retaliate against a judge, district attorney or peace officer for a judicial ruling, prosecution, investigation or testimony.

Penalty for intimidation of a judge, district attorney or peace officer is a third degree felony; retaliation is a second degree felony.

The penalty for intimidation is that of a third degree felony (three years). The penalty for retaliation is that of a second degree felony (nine years).

**SIGNIFICANT ISSUES**

There are no significant issues as to the creation of the crime.

The frequency of prosecution would likely be minimal.

One issue that may or may not arise is the conflict of interest involved in the prosecution of a defendant within the judicial district where the judge, district attorney or peace officer serves. There is already an established procedure for dealing with conflicts of interest for all sorts of reasons. This new law would easily fall within that procedure.

**ADMINISTRATIVE IMPLICATIONS**

Legislation resulting in new crimes may 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 Public Defender Department attorneys.

**DUPLICATION,**

HB 1192

**OTHER SUBSTANTIVE ISSUES**

The judges of the Bernalillo County Metropolitan Court (“BCMC”) fully support the passage of this legislation.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

CS/mt