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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/08

SPONSOR Maestas LAST UPDATED _____ HB 312

SHORT TITLE Uniform Domestic Violence Protection Orders SB _____

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)
Public Defender Department (PDD)

No Responses Received From

Administrative Office of the Courts
Children, Youth and Families Department
Department of Public Safety
Association of Counties

SUMMARY

Synopsis of Bill

House Bill 312 provides a mechanism for the uniform enforcement of foreign state domestic violence protection orders. It simplifies the manner in which foreign state domestic violence protection orders are accepted in New Mexico, provides immunity to law enforcement officers who determine there is probable cause to believe that there is a valid order of protection from another state, and allows for the registration of a foreign order of protection.

FISCAL IMPLICATIONS

AODA states the prosecutor's office will not necessarily have a fiscal impact; however, it is anticipated that a great deal of man hours will be spent assisting law enforcement in making determinations about foreign orders. There is potentially a large fiscal impact on law enforcement in making the determinations about such orders.

SIGNIFICANT ISSUES

AODA states it is always difficult for law enforcement officers to make determinations about orders that are “civil” in nature, particularly when that order is created in another state. The myriad of differences in how documents are prepared can cause difficulty even for someone who practices law, much less for the average police officer. AODA states it would be recommended that a uniform act be developed so that the orders are not so variable.

PDD states there is a possible conflict with New Mexico Constitution’s unfavorable view of the good-faith exception to warrant-less arrest. PDD references *State v. Gutierrez*, 116 N.M. 431 (1993).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 312 has a relationship with House Bill 227.

PDD states the House Bill 312 duplicates House Bill 227 regarding limits on internet publication of protective orders where publication will provide protected parties address.

OTHER SUBSTANTIVE ISSUES

AODA states it is difficult to interpret foreign orders, therefore immunity to law enforcement officers is completely necessary.

RPG/mt