

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

SPONSOR Adair ORIGINAL DATE 1/21/08
LAST UPDATED 1/29/08 HB _____
SHORT TITLE Uniform Child Abduction Prevention Act SB 69
ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 504

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 69 creates a new statute to be entitled the Uniform Child Abduction Prevention Act. The bill offers several definitions including “abduction” as the wrongful removal or wrongful detention of a child. “Child-custody determination” is defined a judgment decree or other court order providing for the legal custody, physical custody or visitation of a child.

The bill sets out a number of abduction prevention measures: (1) a court on its own motion may order anti-abduction measures if it finds that there is a credible risk of abduction of the child; (2) a party to a child-custody determination may file a petition seeking abduction prevention measures; and, (3) a prosecutor or other public authority may seek a warrant to take physical custody of a child to prevent abduction.

The bill sets out a number of factors to determine the existence of a risk of abduction, including, but not limited to: previous abduction of the child; threat to abduct to child; and, recent activity including abandonment of employment, selling of a residence, closing bank accounts, or obtaining passports.

If a petition is filed pursuant to the Act, the court may impose travel restrictions, may prohibit the removal of the child from the state, and may impose conditions on the exercise of custody including limiting visitation or requiring supervised visitation.

The court may issue a warrant to take physical custody of the child if it appears there is imminent danger that the child will be wrongfully removed.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. 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.

DUPLICATION

SB 69 duplicates HB 504

DW/bb