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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/08

SPONSOR Lopez LAST UPDATED _____ HB _____

SHORT TITLE Local Government Misdemeanor Assessments SB 416

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|------|-------------------------|------------------|
| FY08 | FY09 | | |
| | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, HB 460

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Non-Rec | Fund Affected |
|-------------------|------|----------------|-------------------------|--------------------------------------|
| FY08 | FY09 | FY10 | | |
| | | Indeterminable | Recurring | Local Government Corrections Fund |

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Bernalillo County Metropolitan Court (BCMC)
 Administrative Office of District Attorneys (AODA)
 Department of Corrections (DOC)

SUMMARY

Synopsis of Bill

Senate Bill 416 amends NMSA 1978, § 66-8-116.3(B) to require, in a county with a metropolitan court, an additional penalty assessment of \$10.00 on each penalty assessment misdemeanor to help defray the costs of local government corrections. This bill further amends NMSA 1978, § 66-8-119(B)(1) to clarify that any such funds collected pursuant to amended NMSA 1978, § 66-8-116.3(B) would be remitted to the state treasurer for credit to the local government corrections fund.

FISCAL IMPLICATIONS

As the additional penalty assessments, which would be collected if this bill were enacted, would be remitted by the Bernalillo County Metropolitan Court to the State Treasurer for credit to the local government corrections fund in accordance with NMSA 1978, § 66-8-119(B) (1), none of the assessments would be retained by or allocated by the State Treasurer for use by the Metropolitan Court. Therefore, the addition of this penalty assessment would not increase any revenues for the benefit of the Metropolitan Court. There may be a minimal administrative impact on the Metropolitan Court in that it would be required to collect, track, remit, and account for such funds to the State Treasurer. However, as the Court would already be tracking other fines and assessments on each penalty assessment misdemeanor, any additional administrative impact on the Court in the tracking of this additional penalty assessment is indeterminable.

SIGNIFICANT ISSUES

The only significant change to 66-8-116.3 would be the addition of a new section B. (This would of course change the lettering of the remaining sections).

According to the AODA, penalty assessments address many different traffic violations in our State. Penalty assessments allow a specific penalty for a traffic violation. For instance, a person convicted of speeding 10 miles over the speed limit, in violation of NMSA 66-7-301, would have a penalty assessment fine of \$15. NMSA 66-8-116.3 allows additional fees to be added to the penalty assessment to help provide funding for courts, etc. The proposed amendment would allow a county with a metropolitan court to assess an additional \$10 fee on a penalty assessment fine to help defray the costs of local government corrections. Currently, a county without a metropolitan court can collect a \$20 fee to help defray the costs of local government corrections. In essence, a part of the costs for local government corrections is pushed onto the people in the community who are violating the law. The hope would be two-fold. First, more money could be provided for local government corrections and second, there would be a greater deterrence for people to commit traffic violations

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to HB 435 and is identical to HB 460.

OTHER SUBSTANTIVE ISSUES

This bill gives local governments or counties more money to use to defray the cost of local government corrections, such as the operation of county jails. County jails are facing what appear to be ever increasing costs, and this is one way to help offset or defray these costs.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mt