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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/10  
 LAST UPDATED 01/27/10    **HB** 128/aHAFC

SPONSOR Maestas

SHORT TITLE Local Government Corrections Costs & Fund    **SB** \_\_\_\_\_

ANALYST Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	\$215.4	Recurring	Local Government Corrections Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY10	FY11	FY12		
	\$215.4	\$215.4	Recurring	Bernalillo Local Corrections Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Bernalillo County Metro Court (BCMC)

### SUMMARY

#### Synopsis of HAFC Amendment

The House Appropriations & Finance Committee amendment to House Bill 128 changes current law so that the \$10 additional fee collected from penalty assessment misdemeanors in Bernalillo County shall be paid to the county only and not to incorporated municipalities even if the offence took place in them.

#### Synopsis of Original Bill

House Bill 128 amends Section 66-8-116.3 NMSA to impose a \$10 assessment to help defray the

costs of local government corrections. The \$10 charge is in addition to the penalty established for each penalty assessment misdemeanor and applies only to a county with a metropolitan court. This \$10 fee will be charged to the penalty assessment misdemeanors that are mailed to the Motor Vehicle Division.

The amendment to Section 66-8-119 is a technical amendment. Last year the juvenile adjudication fee and fund were created by statute and Section 6 sets out where to credit the proceeds of the adjudication fee.

### **FISCAL IMPLICATIONS**

The AOC anticipates no additional fiscal implications to its operations. Additional fees will be collected by the Motor Vehicle Division (MVD) and transferred to the AOC.

The number of convictions for penalty assessment misdemeanors in the BCMC for fiscal years 2007 through 2009 was respectively; 21,860, 21,968 and 20,787. Assuming (i) the number of such convictions remained constant, averaging approximately 21,540 per fiscal year and (ii) a collection rate of 100%, it is anticipated that the Court would collect approximately \$215,400 in fees during fiscal years 2011 and 2012 that would be credited to the local government corrections fund.

The net fiscal impact of this bill is Bernalillo County will be able to collect a penalty assessment corrections fee to help defray the costs of local government corrections.

### **SIGNIFICANT ISSUES**

Amending Section 66-8-116.3 NMSA to provide for the collection of \$10.00 penalty assessment to help defray the costs of local government corrections is consistent with legislation passed in 2003. That legislation amended Section 35-6-1 NMSA to impose a similar penalty assessment to defray corrections costs in a county with a metropolitan court only upon conviction for the violation of any provision of the Motor Vehicle Code.

Currently, violators of penalty assessment misdemeanors in Bernalillo County are exempt from having to pay any correction fee when pleading guilty to a citation filed with MVD. If adopted, HB 128 will remove the exemption and the \$10.00 penalty assessment fee will help defray the costs of local government corrections.

BCMC notes the fees that are currently added to the cost of a penalty assessment misdemeanor are already as much as almost 15 times the amount of the penalty assessment itself. The BCMC has historically seen an increase in the number of “failure to appear” and “failure to pay” warrants that are issued each time the fees and costs related to penalty assessment misdemeanors and other traffic offenses are increased.

### **ADMINISTRATIVE IMPLICATIONS**

The agencies affected by this bill can handle the provisions of this bill with existing staff as part of ongoing responsibilities.