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FISCAL IMPACT REPORT

SPONSOR Hall ORIGINAL DATE 02/04/10
LAST UPDATED _____ HB 256
SHORT TITLE Increase Damages Recoverable From Parents SB _____
ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1.--\$2.0		\$1.0-\$2.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Administrative Office of the District Attorneys (AODA)
Attorney General's Office (AGO)
Children, Youth and Families Department (CYFD)

No Responses Received From

Public Defender Department

SUMMARY

Synopsis of Bill

House Bill 256 amends the delinquency section of the New Mexico children's code by increasing the amount of damages that may be recovered in a civil action from a parent or guardian of a child who has maliciously or willfully injured a person or damaged, destroyed or deprived use of property belonging to the person bringing the action from \$4,000 to \$10,000.

FISCAL IMPLICATIONS

AOC noted there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced actions.

SIGNIFICANT ISSUES

CYFD reported many of the families whose children are involved with the juvenile justice system for the actions described within the proposed legislation are receiving public assistance and do not have the means to pay restitution. Many courts order community services hours rather than financial reimbursement to victims. When matters of a high dollar amount are identified, deductibles have been ordered as to cover actual costs to property, usually in the amount of \$250 to \$1,000 for delinquent youth committing property violations. Increasing the statutorily recoverable amount for a civil action may not, in light of the public assistance status of many of these families, result in any actual increase in recovered damages, and may serve to exacerbate the economic situation in the family that may have contributed to the delinquency of the youth in the first place.

AODA noted that although the amount recoverable has been increased to \$10,000 that amount is still within the jurisdictional limit of both New Mexico Magistrate Courts and Bernalillo County Metropolitan Court.

PERFORMANCE IMPLICATIONS

AOC reported the proposed legislation may have an impact on the following performance measures of the district courts: cases disposed of as a percent of cases filed and percent change in case filings by case type.

ADMINISTRATIVE IMPLICATIONS

AOC stated amendments to existing laws have the potential to increase caseloads in the courts requiring additional resources to handle the increase.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 256 is a duplication of Senate Bill 74.

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