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FISCAL IMPACT REPORT

ORIGINAL DATE 01/29/10

SPONSOR Rue LAST UPDATED _____ HB _____

SHORT TITLE Increase Damages Recoverable From Parents SB 74

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth & Families Department (CYFD)

SUMMARY

Synopsis of Bill

Senate Bill 74 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

There will be a 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 prosecutions. 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.

SIGNIFICANT ISSUES

Many of the families whose children are involved with the juvenile justice system for the actions described within the bill 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.

ADMINISTRATIVE IMPLICATIONS

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

DW/svb