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FISCAL IMPACT REPORT

SPONSOR Griego, P. **ORIGINAL DATE** 02/15/11
LAST UPDATED _____ **HB** _____
SHORT TITLE Livestock Crime Stoppers Act **SB** 40/aSJC
ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NFI	\$1.0-50.0*	\$1.0-50.0*	\$2.0-\$100.0*	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*based on estimate of cost per prosecution. See Fiscal Impact below.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
New Mexico Livestock Board (NMLB)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment changes the standard of conduct required to qualify for immunity from liability when reporting livestock-related criminal activity from “good faith” communications to the “exercise of reasonable care” in making the communication.

Synopsis of Original Bill

Senate Bill 40 would enact the Livestock Crime Stoppers Act as a new section in the Livestock Code. This section would allow the NMLB to establish this program which would assist the NMLB and state and local law enforcement agencies to arrest and convict persons who commit livestock-related crimes. A livestock-related crime is defined a crime involving livestock, including theft, unlawful branding, unlawful killing or mutilation, illegal movement or other criminal offense, including extreme cruelty to animals.

To implement the program, the NMLB must promulgate rules for the program, including how rewards are determined and paid, how information received by the program will be collected and transmitted, and how confidentiality of information provided and program records will be

maintained. NMLB is to encourage media promotion of the program, may enter into contracts necessary to the program, and may solicit and accept gifts, grants and donations and contributions. The bill authorizes the use of other Board funds to support the program.

The bill requires voucher and warrant procedures ensure confidentiality, and authorizes a separate bank account for deposits and expenditures to pay rewards and other expenses. It also provides for annual auditing of the account.

The bill provides for confidentiality of all communications under the program, subject to specific provisions for in camera inspections and release by a court in certain criminal or civil actions in a manner comparable to protections afforded a confidential police informer. Improper release of information gained through the program relating to livestock-related crime, or records and reports that are confidential constitutes a misdemeanor. Confidentiality would not apply to amounts of reward payments made under the program, but identities of recipients shall not be disclosed. The bill also provides immunity from liability for good-faith reports of this type of criminal activity, and good-faith actions based on such information.

FISCAL IMPLICATIONS

Because “livestock-related crimes” are already criminalized under existing laws, the impact reflected in the table above is a per case estimate for each additional prosecution that may occur because of information received through the program created in the bill, or violation of the confidentiality provision set forth in Section 5(A).

NMLB advises that it can carry out this program with adequate competency with existing staff and resources. It further notes that funds for this reward program are not appropriated, but come from gifts, grants and contributions. Monies generated in the NMLB’s estray fund may be directed to this program sometime in the future.

SIGNIFICANT ISSUES

NMLB reports that most livestock-related crimes, such as larceny, livestock shootings, vandalism and butchering yield very little physical evidence that would lead investigators to the perpetrator. Eyewitness accounts are very instrumental in the apprehension of these criminals, but frequently aren’t forthcoming without cash rewards.

OTHER SUBSTANTIVE ISSUES

NMLB comments that although there are local and regional crime stoppers programs throughout the state, they are not geared towards livestock-related crimes. NMLB believes a livestock crime stoppers program is necessary because of the unique nature of livestock-related crimes, which requires special knowledge of livestock and conditions under which these crimes are committed. A statewide program under NMLB would allow for an internally coordinated statewide effort for investigation and solicitation of information.

NMLB estimates that if the bill is enacted, fundraising efforts will take at least one year.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

NMLB reports that investigations of livestock-related crimes would continue to be difficult to resolve.

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