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HOUSE BILL 152

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO CRIMINAL SENTENCING; CREATING PROCEDURES FOR
CERTAIN LEGISLATION THAT WOULD INCREASE, DECREASE OR CREATE
CRIMINAL PENALTIES; REQUIRING AN APPROPRIATION TO ACCOMPANY
LEGISLATION THAT WOULD INCREASE PERIODS OF IMPRISONMENT;
REQUIRING FISCAL IMPACT STATEMENTS; CREATING A FUND; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. LEGISLATION TO INCREASE, DECREASE OR CREATE
PERIODS OF IMPRISONMENT--FISCAL IMPACT STATEMENTS--PROCEDURE.--

A. The New Mexico sentencing commission shall
prepare a fiscal impact statement as provided in this section
for a bill that:

(1) creates a new crime or repeals an existing
crime for which imprisonment is authorized;

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1 (2) increases or decreases the period of
2 imprisonment authorized for an existing crime;

3 (3) imposes or removes mandatory minimum terms
4 of imprisonment; or

5 (4) modifies the law governing release of
6 inmates in such a way that the time served in prison will
7 increase or decrease.

8 B. A fiscal impact statement shall reflect the
9 estimated increase in annual operating costs for the
10 corrections department attributable to the bill if it becomes
11 law. The estimated increase in annual operating costs shall
12 reflect the highest annual increase from the projected increase
13 for the six fiscal years following the effective date of the
14 law and shall be calculated in current dollars. The fiscal
15 impact statement shall include details concerning any increase
16 or decrease in the inmate population.

17 C. The amount estimated in a fiscal impact
18 statement shall be printed in the title of the bill and shall
19 be included in the bill as a one-year appropriation from the
20 general fund to the criminal justice special fund. If the New
21 Mexico sentencing commission does not have sufficient
22 information to project the fiscal impact, the fiscal impact
23 statement shall state that there is insufficient information to
24 estimate the fiscal impact and the words "costs cannot be
25 determined" shall be printed in the title of the bill.

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1 D. For each law enacted that results in a net
2 increase in periods of imprisonment in adult correctional
3 facilities and for which a fiscal impact statement has been
4 prepared, an appropriation shall be made from the general fund
5 to the criminal justice special fund in an amount equal to the
6 amount estimated in the fiscal impact statement.

7 E. The New Mexico sentencing commission shall
8 prepare fiscal impact statements for bills described in
9 Subsection A of this section only if they are presented no
10 later than December 1 to the commission, to the interim
11 legislative committee that oversees criminal justice or to the
12 legislative finance committee. The New Mexico sentencing
13 commission shall complete the fiscal impact statements no later
14 than January 15 of the following calendar year and shall
15 forward copies of the statements to the legislative council
16 service and the legislative finance committee and to the chief
17 clerk of the house of representatives and the chief clerk of
18 the senate for transmittal to the primary sponsors of the
19 legislation and to the chair of each committee assigned to
20 consider the legislation.

21 F. The corrections department shall annually
22 provide the New Mexico sentencing commission with the average
23 operating costs per inmate and the number of inmates in adult
24 correctional facilities.

25 G. As used in this section, "operating costs" means

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1 all costs other than capital outlay costs for state-operated
2 adult correctional facilities and privately operated adult
3 correctional facilities.

4 SECTION 2. CRIMINAL JUSTICE SPECIAL FUND--CREATED.--

5 A. The "criminal justice special fund" is created
6 in the state treasury. The fund consists of appropriations,
7 gifts, grants, donations and bequests made to the fund. Income
8 from the fund shall be credited to the fund. Money in the
9 criminal justice special fund shall not revert to the general
10 fund.

11 B. Money in the criminal justice special fund shall
12 be subject to appropriation by the legislature for criminal
13 justice purposes, including operational costs of the
14 corrections department, courts, district attorneys and the
15 public defender department.

16 SECTION 3. APPROPRIATION.--One hundred seventy-five
17 thousand dollars (\$175,000) is appropriated from the general
18 fund to the New Mexico sentencing commission for expenditure in
19 fiscal year 2013 to pay salaries and benefits and other costs
20 related to the preparation of fiscal impact statements as
21 required by this act. Any unexpended or unencumbered balance
22 remaining at the end of fiscal year 2013 shall revert to the
23 general fund.

24 SECTION 4. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2012.

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