

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 152

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

AN ACT

RELATING TO CRIMINAL SENTENCING; REQUIRING THE NEW MEXICO
SENTENCING COMMISSION TO PREPARE FISCAL IMPACT STATEMENTS FOR
LEGISLATION THAT WOULD INCREASE, DECREASE OR CREATE CRIMINAL
PENALTIES; REQUIRING THAT AN APPROPRIATION ACCOMPANY SUCH
LEGISLATION; 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;

(2) increases or decreases the period of

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underscored material = new
[bracketed material] = delete

1 imprisonment authorized for an existing crime;

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

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

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

16 C. The amount estimated in a fiscal impact
17 statement shall be included in the bill as a one-year
18 appropriation from the general fund to the criminal justice
19 special fund. If the New Mexico sentencing commission does not
20 have sufficient information to project the fiscal impact, the
21 fiscal impact statement shall state that there is insufficient
22 information to estimate the fiscal impact.

23 D. For each law enacted that results in a net
24 increase in periods of imprisonment in adult correctional
25 facilities, an appropriation shall be made from the general

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1 fund to the criminal justice special fund in an amount equal to
2 the amount estimated in the fiscal impact statement.

3 E. The corrections department shall annually
4 provide the New Mexico sentencing commission with the average
5 operating costs per inmate and the number of inmates in adult
6 correctional facilities. The corrections department shall
7 annually provide the New Mexico sentencing commission with
8 admissions and release data for all inmates in adult
9 correctional facilities. The judiciary shall annually provide
10 the New Mexico sentencing commission with requested data
11 necessary to prepare fiscal impact statements.

12 F. As used in this section, "operating costs" means
13 all costs other than capital outlay costs for state-operated
14 adult correctional facilities and privately operated adult
15 correctional facilities.

16 **SECTION 2. CRIMINAL JUSTICE SPECIAL FUND--CREATED.--**

17 A. The "criminal justice special fund" is created
18 in the state treasury. The fund consists of appropriations,
19 gifts, grants, donations and bequests made to the fund. Income
20 from the fund shall be credited to the fund. Money in the
21 criminal justice special fund shall not revert to the general
22 fund.

23 B. Money in the criminal justice special fund shall
24 be subject to appropriation by the legislature for criminal
25 justice purposes, including operational costs of the

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1 corrections department, courts, district attorneys and the
2 public defender department.

3 SECTION 3. APPROPRIATION.--One hundred seventy-six
4 thousand five hundred dollars (\$176,500) is appropriated from
5 the general fund to the New Mexico sentencing commission for
6 expenditure in fiscal year 2013 to obtain necessary computer
7 models, technology, research and data and to hire personnel for
8 the preparation of fiscal impact statements as required by this
9 act. Any unexpended or unencumbered balance remaining at the
10 end of fiscal year 2013 shall revert to the general fund.

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