



defendants convicted of attempt, conspiracy or criminal solicitation of a serious violent offense will spend more time in prison because they will no longer be allowed to earn meritorious good time at 30 days per month.

The Public Defender reports that the slight increase in trials would be absorbed by the department.

The Sentencing Commission reports that on June 30, 2011, the NMCD had On June 30, 2011, 215 offenders committed to the custody of the NM Corrections Department had a conviction for attempt, conspiracy or solicitation to commit a serious violent offense as their highest charge. That number represented approximately 3% of the total inmate population on that same date (6,598). If HB 43 becomes law, at some point in the future the increased length of stay for those offenders would begin to impact the state inmate population.

The Adult Parole Board reports that the bill does not address the potential increase in the prison population resulting from the reduction of earned meritorious deductions. As for the Parole Board, it would see no discernable fiscal impact. The Board would hear the cases at a later date.

## **SIGNIFICANT ISSUES**

According to the NMCD, if this and other bills are enacted into law the department will reach its rated capacity for its prison population and one of three options will have to be sought: 1) house inmates out of state, 2) release prisoners early or 3) build new or expand existing prisons.

## **PERFORMANCE IMPLICATIONS**

Increases in the inmate population could impact inmate-on-inmate or inmate-on-staff assaults, and the community offender management performance measure of “percent of out-of-office contacts per month with offenders on high and extreme supervision on standard caseloads”.

The courts anticipate the bill will impact two of the district courts performance measures:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type.

## **ADMINISTRATIVE IMPLICATIONS**

The bill has the potential of increasing correctional officer and probation and parole officer workloads, increase the cost of the care and support of inmates.

According to the NMCD, current staffing levels and increases in the population will negatively impact the department’s ability to effectively perform prison and probation/parole supervision services.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Similar to House Bill 31 which amends the time limitation for certain crimes, and House Bill 44 which adds to the definition of serious felonies.

**AMENDMENT NEEDED TO IMPROVE THE BILL**

According to the Attorney General's Office, an effective date is needed that could be based on the date of the crime, conviction of the crime or sentencing. Adding such a provision would avoid the issue of applicability and challenges on appeal.

ABS/lj