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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/12

SPONSOR Curtis LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Child Sexual Offenses Prosecution Time SB 155

ANALYST Jorgensen

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY12 | FY13    | FY14    | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|---------|---------|----------------------|------------------------------|------------------|
| <b>Total</b> |      | Minimal | Minimal | Minimal              | Recurring                    | General          |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General’s Office (AGO)  
 Administrative Office of the Courts (AOC)  
 New Mexico Corrections Department (NMCD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 155 increases the age from 18 to 50 for beginning the calculation of the time period for commencement of prosecution for alleged violations of Section 30-6-1, NMSA (Abandonment or Abuse of a Child), Section 30-9-11, NMSA (Criminal Sexual Penetration), or Section 30-9-13, NMSA (Criminal Sexual Contact of a Child). SB 155 retains the alternate trigger which is reporting of the violation to law enforcement. Whichever trigger occurs first begins the applicable time period running under Section 30-1-8, NMSA.

The amendments under SB 155 would take effect on July 1, 2012.

### FISCAL IMPLICATIONS

According to the AOC, there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes.

NMCD states: The bill is likely to result in a minimal to moderate number of new convictions each year because it extends the statute of limitations for certain crimes. Further, abandonment or abuse of a child is a “discretionary” serious violent offense, and the other two designated

crimes are “per se” or automatic serious violent offenses. Thus, individuals convicted of these serious violent offenses would have to serve 85% of their sentences in prison if sentenced to prison, as opposed to only 50% for other offenders sentenced to prison. Thus, the bill would likely result in minimal to moderate increases in NMCD’s prison population and probation/parole caseloads at some point.

### **ADMINISTRATIVE IMPLICATIONS**

If the bill results in increases in the NMCD prison population, it will increase the workloads of current prison staff at some point.

New laws, amendments to existing law, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase. There is an administrative impact on the court resulting from added judicial time needed to dispose of these types of cases in the manner provided under the law.

### **RELATIONSHIP**

Senate Bill 155 is to be related to Senate Bill 118. Senate Bill 118 increases the trigger age for commencing an action for damages based on personal injury caused by childhood sexual abuse from the 24<sup>th</sup> birthday to the 50<sup>th</sup> birthday. Both bills have effective dates of July 1, 2012.

### **TECHNICAL ISSUES**

The AOC notes that because one of the referenced statutes, Section 30-9-11, NMSA, contains both criminal offenses against children and criminal offenses against adults, raising the trigger age to 50 could have the incongruous result in some cases of an adult being the victim of criminal sexual penetration at, for example, the age of 25 and if the person never reports the CSP to law enforcement the time period to calculate commencement of prosecution would not begin until the victim attains the age of 50.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

NCJ/lj:svb