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FISCAL IMPACT REPORT

ORIGINAL DATE
LAST UPDATED

SPONSOR Cook HB 246

SHORT TITLE Eliminate Certain Parole Hearings SB _____

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Any impact will not occur for 32 years.			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)

Parole Board (PB)

SUMMARY

Synopsis of Bill

House Bill 246 would eliminate the requirement that the Parole Board must hold a parole hearing for life sentence inmates every two years if (or after) the inmate’s parole is first denied by the Board. The Board would still have to hold its initial parole hearing after the life sentence inmate has served 30 years (with no “good time” allowed for such life sentence inmates). Under the bill, the Board could still hold parole hearings on the life sentence inmates at its discretion, but would not have to hold a hearing every two years after the life sentence inmate’s first parole denial.

FISCAL IMPLICATIONS

The New Mexico Corrections Department (NMCD) reports no fiscal impact to it.

The Parole Board reports that this bill would eliminate a large number of hearings, but not in the foreseeable future, unless this bill were determined to be retroactive. (Presumably, that would not be the case, due to *ex post facto* concerns.) Assuming it is not retroactive, one would see the effect in 32 years after the enactment of this bill, once Life Sentence prisoners had served their first 30 years, and been denied their initial parole possibility. The hearings that would otherwise be automatically conducted two years hence would be eliminated. It is very difficult to predict

the numbers that would be affected that far into the future.

SIGNIFICANT ISSUES

According to the NMCD, this bill will reduce the number of parole hearings for life sentence inmates that NMCD has to coordinate and schedule with the Board. Thus, the bill would reduce NMCD's administrative workload by some small amount.

OTHER SUBSTANTIVE ISSUES

According to NMCD, inmates serving life sentence who do not get their parole hearings every two years could become discouraged or upset, and could cause prison disturbances or try to harm staff or other inmates. NMCD may have to closely monitor such inmates.

POSSIBLE QUESTIONS

Is the intent of the bill be interpreted as retroactive?

ABS/amm