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## FISCAL IMPACT REPORT

|              |                                     |             |          |    |
|--------------|-------------------------------------|-------------|----------|----|
| SPONSOR:     | SJC                                 | DATE TYPED: | 03/15/01 | HB |
| SHORT TITLE: | Arson Penalties & Recovery of Costs | SB          | 440/SJCS |    |
|              |                                     | ANALYST:    | Rael     |    |

### APPROPRIATION

| Appropriation Contained |      | Estimated Additional Impact |      | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY01                    | FY02 | FY01                        | FY02 |                      |               |
|                         |      | See Narrative               |      | Recurring            | General Fund  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Related to HB 513 and HB 417

### SOURCES OF INFORMATION

- State Fire Marshall
- Attorney General's Office (AGO)
- Administrative Office of the Courts (AOC)
- Public Defender (PD)
- Corrections Department (CD)
- Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

The Arson Penalties & Recovery of Costs bill amends 30-17-5 NMSA (while adding an additional section) to clarify and restructure the Act. The bill includes all real and personal property and increases penalties for arson and negligent arson.

### FISCAL IMPLICATIONS

There could be a significant number of new 2<sup>nd</sup> degree felony offenders because many buildings that are burned by arsonists have a value of over \$20,000. Many of them will also be sentenced to prison, but regardless of whether they are sentenced to prison or probation, the term will be longer for a 2<sup>nd</sup> degree felony than for a third degree felony.

The private prison annual cost of incarcerating an inmate based upon Fiscal Year 00 actual expenditures is \$21,670 per year for males. The cost per client to house a female inmate at the privately operated facility in Grants is \$24,348 per year. Any net increase in inmate population will be housed at a private facility.

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The cost per client in Probation and Parole for a standard supervision program is \$1,536 per year. The cost per client in Intensive Supervision programs is \$3,922 per year. The cost per client in Department-Operated Community Corrections programs is \$5,519 per year. The cost per client in Privately-Operated Community Corrections programs is \$10,724 per year.

The bill may result in a minimal increase in revenue from the additional fines and Probation and Parole supervision fees collected from the additional number of offenders convicted under the expanded definition of the crime.

### **ADMINISTRATIVE IMPLICATIONS**

It will cost the judicial information system \$400 for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

The Public Defender reports that as with any statute that substantially raises penalties, costs concurrently rise. An accused is less likely to plea if he perceives he has "nothing to lose." More severe punishments translates to less pleas, more trials, and in the case of convictions, more appeals.

### **OTHER SUBSTANTIVE ISSUES**

A party that fails to perform an act, but does so with willful disregard may not be covered under the definition of "negligent arson."

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