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## FISCAL IMPACT REPORT

SPONSOR: Senate Judiciary Committee      DATE TYPED: 3/7/03      HB \_\_\_\_\_

SHORT TITLE: Create Crime Stoppers Commission      SB 683/SJCS

ANALYST: L. Baca

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			Minimal		

(Parenthesis ( ) Indicate Expenditure Decreases)

Identical to HB 921, Crime Stoppers Act

### SOURCES OF INFORMATION

LFC files

Responses Received From

### SUMMARY

#### Synopsis of Bill

Senate Judiciary Committee Substitute for Senate Bill 683 creates the five-member Crime Stoppers Advisory Council, prescribes its duties and responsibilities and 2-year term of appointment by the Governor; provides for confidentiality of informants, and imposes penalties for violation of the provisions of the act.

#### Significant Issues

Crime Stopper programs are well known throughout New Mexico and have assisted law enforcement officers in capturing lawbreakers. It is anticipated that local programs will benefit from centralized direction from the state.

The powers and duties of the Crime Stoppers Commission are to:

- advise and assist in the creation and maintenance of local crime stopper programs;

**Senate Bill 683/SJCS -- Page 2**

- certify local crime stoppers programs for the purposes of confidentiality of records, privileges and immunities set forth in the Crime Stoppers Act;
- encourage the media to promote the functions of local crime stoppers programs; and
- facilitate training for local crime stopper programs.

The bill prohibits the Council from taking part in the receipt of reports or tips regarding criminal activity. Further, the bill stipulates that information received from an informant is not admissible in a court or other tribunal unless:

- a criminal defendant claims the report contains exculpatory information; and
- a person exonerated of a criminal charge that was filed as a result of a report to a local crime stoppers program and denial of access to the program would leave the person without the ability to offer prima facie proof that a legal injury was suffered through the wrongful act of another.

**FISCAL IMPLICATIONS**

The bill does not contain appropriation but provides for payment of the Council's mileage and per diem.

**ADMINISTRATIVE IMPLICATIONS**

Logistics for conducting the affairs of the Council are not addressed in the bill. Some of the Council's perceived needs include staff support, supplies, meeting places, dissemination of information and other items that councils, boards and task forces require to carry out their responsibilities.

**OTHER SUBSTANTIVE ISSUES**

The bill prohibits any member, officer or employee of a local crime stoppers program to reveal to an individual other than the proper law enforcement agencies any information gained through the program or the contents of records and reports that are confidential. The bill makes violations of this section a misdemeanor. Persons providing information in good faith is immune from civil liability for any acts of omissions resulting in the arrest and conviction of a person who is later acquitted or exonerated of the charge.

The bill also provides that a local crime stoppers program must be certified before it can claim confidentiality pursuant to the provisions of the bill.

**LRB/njw**