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FISCAL IMPACT REPORT

SPONSOR Beam DATE TYPED 02/07/05 HB 578
 SHORT TITLE Employee Leave for Certain Crime Victims SB _____
 ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		NFI		

(Parenthesis () Indicate Expenditure Decreases)

House Bill 578 relates to and conflicts with HB 356.

SOURCES OF INFORMATION

LFC Files
 Administrative Office of the Courts (AOC)
 Crime Victims Reparation Commission (CVRC)
 Corrections Department (CD)

SUMMARY

Synopsis of Bill

House Bill 578 proposes a new section to the Victims of Crime Act, proposes an amended title citation for the Act, and would repeal a section of the Act.

The proposed new section would require employers, with 25 or more employees, to allow leave for employee-victims attending “proceedings that the victim has a right to attend.”

The section provides that for attending these proceedings employers could not: dismiss employees, cause the employee to lose seniority or precedence, discriminate against the employee, or break confidentiality regarding the employee’s leave. The employer would not be required to compensate the employee during such a leave of absence, could require that the employee use sick, annual, vacation or personal leave, and could limit the leave allowed should the employer demonstrate a “undue hardship on the employer’s business.” Should undue hardship be determined the district attorney would have to contact the court and, if possible, the court would have to take into account the availability of the employee-victim.

The employee-victim would be required to provide documentation for the employer: a copy of documents provided by the district attorney and any notices of scheduled proceedings.

The bill proposes to repeal the “purpose of the Act” section of the Victims of Crime Act.

Significant Issues

The Crime Victims Reparation Commission (CVRC) asserts that the proposed act does not designate a responsible party for enforcement of this legislation, nor does it describe the actions an employer could face if found in violation of the Act.

The Act would only apply to employers having 25 or more employees “for each working day during 20 or more weeks of the current and proceeding calendar year.”

ADMINISTRATIVE IMPLICATIONS

AOC asserts that there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

The proposed changes may require additional administrative oversight from the district attorneys and courts in order to manage the “undue hardships” of employers and to implement the scheduling for the employee-victims’ cases.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 578 is related to HB 356, which proposes some of the same protections to employee-victims, but proposes the requirements to be applied to employers with 15 or greater employees.

OTHER SUBSTANTIVE ISSUES

The Corrections Department questions why the bill proposes to repeal Section 31-26-2, the purpose section of the Victims of Crime Act.

ALTERNATIVES

CVRC suggests that the bill could be amended to place a crime victim in a protected status for purposes of the Human Rights Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

CVRC asserts that crime victims will continue to jeopardize their jobs when attending court proceedings that they have a right to attend.

POSSIBLE QUESTIONS

1. Why is the bill proposing to eliminate the “Purpose of Act” subsection of the Crime Victims Act?
2. Should the same provisions proposed in HB 578 be applied to employee-witnesses in certain cases?