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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/06

SPONSOR Park LAST UPDATED _____ HB 263

SHORT TITLE Sentences for Felonies by Public Officials SB _____

ANALYST Medina

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to the Criminal Sentencing Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Corrections Department (CD)
Administrative Office of the Courts (AOC)

Responses Not Received From

Attorney General (AG)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 263 amends the Criminal Sentencing Act (Chapter 31, Article 18 NMSA 1978) to enhance sentences for elected public officials convicted of a felony. The bill allows that upon a separate finding of fact by a court or jury that an offender is an elected public official and that the felony conviction of the public official relates to, arises out of or is in connection with the offender's holding of an elected office, the basic sentence be increased by one year. A sentence imposed pursuant to the bill can include an alternative sentence that requires community service, treatment, education or any combination of the above. Finally, the bill states that the court may suspend or defer any portion or the entire sentence or grant a conditional discharge, unless otherwise provided by law.

FISCAL IMPLICATIONS

According to the Administrative Office of the Courts, there would be a minimal fiscal impact on the judiciary proportional to the enforcement of the proposed law and the requirement of separate findings of fact to determine the proposed law's applicability.

ADMINISTRATIVE IMPLICATIONS

The number of sentences increased pursuant to the bill would likely be very minimal and would have minor administrative, performance and fiscal implications.

DXM/yr