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FISCAL IMPACT REPORT

ORIGINAL DATE 2/6/07

SPONSOR Rawson LAST UPDATED _____ HB _____

SHORT TITLE Uniform Crime Reporting System SB 764

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

New Mexico Municipal League
 New Mexico Sentencing Commission (NMSC)
 Administrative Office of the Courts (AOC)

No Responses Received From

Department of Public Safety (DPS)
 New Mexico Association of Counties

SUMMARY

Synopsis of Bill

Senate Bill 764 requires the Department of Public Safety to develop, operate and maintain a Uniform Crime Reporting (UCR) system, and be the central repository for the collection, storage, retrieval and analysis of crime incident and arrest reports generated by all law enforcement agencies in the state. The Department of Public Safety is required to:

- Compile statistical data and forward data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency;
- Provide forms, standards and procedures and related training to state and local law enforcement agencies as necessary;
- Annually publish and submit to the Legislature a report on the nature and extent of crime and New Mexico;
- Maintain the privacy and security of information in accordance with state and federal laws; and
- Establish rules as necessary to implement the uniform crime reporting system.

The local law enforcement agencies are required to submit crime incident reports and any other crime incident information to the Department of Public Safety. The local law enforcement agencies are to indicate on an arrest report whether the person arrested is in the United State unlawfully. The Department of Public Safety is to make the annual report and other statistical data generated available to the state and local law enforcement agencies and the general public.

FISCAL IMPLICATIONS

The proposed legislation does not have an appropriation to DPS to update or maintain this database. The Law Enforcement Records Bureau at present is facing an estimated 10,470 unfunded labor hours and 59,000 unfunded labor hours for existing backlog. Also, DPS is projecting a budget shortfall of \$300 thousand in the information technology division for fiscal year 2007.

The LFC has been told by DPS that the Law Enforcement Records Bureau has not had a budget increase or staff increase authorized since 1987. In that time period the Law Enforcement Records Bureau has received the following 10 unfunded mandates for the provision of services:

- NM Missing Person's Information Clearinghouse,
- Sex Offender Registration Program,
- Interstate Identification Index,
- National Instant Criminal Background Checks,
- National Crime Information Center Control Terminal Agency,
- National Crime Information Center Interstate Identification Index and Quality Assurance,
- Uniform Crime Reporting,
- State Tracking Number Program,
- National Incident Based Reporting System, and
- Conceal Carry Weapons Background Checks.

SIGNIFICANT ISSUES

NMSC reports the commission found that only 99 law enforcement agencies reported arrest data to the DPS in 2003. NMSC states this represents 68 percent of 145 law enforcement agencies in the state. NMSC reports New Mexico is one of four states that does not have a program for reporting UCR data to the Federal Bureau of Investigation. NMSC reports the UCR program collects offense information for murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, and 21 other crimes including DWI offenses.

AOC reports that most states have a UCR system and the majority of the systems have been in place since the 1970s. AOC notes some state have moved from the UCR system to the federally mandated National Incident-Based Reporting System.

ADMINISTRATIVE IMPLICATIONS

NM Municipal League states the proposed legislation imposes the additional responsibility of creating and maintaining a database on the Department of Public Safety, and of submitting data to the Department of Public Safety on local law enforcement agencies.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation has a relationship to House Bill 508.

OTHER SUBSTANTIVE ISSUES

NMSC reports that in 2005 the commission conducted an analysis of arrest patterns in New Mexico. The analyzed data was derived from arrests that were voluntarily reported to DPS by New Mexico law enforcement agencies. NMSC determined that DWI arrests were under-reported in the data by approximately 46 percent. In calendar year 2003, the New Mexico Motor Vehicle Division (MVD) administratively recorded 20,325 DWI arrests the DPS data contained information on 13,972 DWI arrests. NMSC state one reason this happened is that a number of law enforcement agencies that administratively reported their arrests for DWI to MVD are not included in the data set. This means they either did not report their arrest information to DPS and/or not all arrest data for calendar 2003 had been received or data entered by DPS. NMSC reports that DPS staff informed the commission that in 1995 approximately 52% of all arrests were reported to DPS by New Mexico law enforcement agencies and that this has improved to the point where DPS believes approximately 70% of all arrests are now being reported.

RPG/mt