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FISCAL IMPACT REPORT

ORIGINAL DATE 01/21/10
 SPONSOR Cote & Garcia, M.J. LAST UPDATED 02/08/10 HB 17/aHJC
 SHORT TITLE No Domestic Violence Offenders As Police SB _____
 ANALYST Weber

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Court (AOC)
 Administrative Offices of the District Attorney (AODA)
 Health Policy Commission (HPC)
 Children Youth and Families Department (CYFD)

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

SUMMARY

Synopsis of House Judiciary Amendment of House Bill 17

1. On page 1, line 13, strike "VIOLATION" and insert in lieu thereof "CONVICTION".
2. On page 3, line 14, strike "violation of" and insert in lieu thereof "conviction pursuant to".
3. On page 3, line 16, before the period insert ", perpetrated against a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship".
4. On page 4, line 20, strike "violation of" and insert in lieu thereof "conviction pursuant to".
5. On page 4, line 22, before the period insert ", perpetrated against a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-

in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship".

The amendment makes clear that a conviction must have taken place by replacing "violation" with "conviction". Also, the amendment better defines who qualifies as a victim.

Synopsis of Original Bill

House Bill 17 amends Section 29-7-6 to include conviction of a crime of domestic violence within the preceding three years to the list of crimes which would disqualify an applicant from becoming a certified New Mexico peace officer.

The bill also amends Section 29-7-13 to include a conviction for a domestic violence offense as grounds to suspend or revoke a peace officer's certification should such conviction occur after one has achieved peace officer certification.

The bill also adds a subsection (C) in each section that provides a definition of domestic violence to mean a violation of the Crimes Against Household Members Act or sections 30-3A-3 or 30-3A-3.1. The definitions also provide that conviction of the equivalent of those laws in other jurisdictions will provide grounds for denial, suspension or revocation of certified peace officer status.

Finally, language is changed throughout sections 29-7-6 and 29-7-13 to be gender neutral.

FISCAL IMPLICATIONS

AOC notes there will be a minimal administrative cost 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.

SIGNIFICANT ISSUES

HPC reports from their annual publication Quick Facts that in 2007 New Mexico identified:

- 22,286 domestic violence incidents;
- 78 homicides statewide, 18% (32) were domestic violence related; and
- On average one in every seven incidents of domestic violence reported involved a child witness and an average of two children were present at each.

The Domestic Violence Resource Center reports that nationally such incidents are relatively common with estimates that up to 25 percent of women have experienced domestic violence in her lifetime.

MW/mew