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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/25/10

SPONSOR Maestas LAST UPDATED \_\_\_\_\_ HB 100

SHORT TITLE Background Checks for Certain Defendants SB \_\_\_\_\_

ANALYST Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	\$295.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Bernalillo County Metropolitan Court (BCMC)

### SUMMARY

#### Synopsis of Bill

House Bill 100 is a Courts, Corrections and Justice Committee-sponsored bill that provides for an appropriation of \$295,100 in FY2011 from the general fund to the Bernalillo County Metropolitan Court to hire staff to perform comprehensive background investigations of criminal defendants posting bond at the Bernalillo County Metropolitan Court or the metropolitan detention center or responding to criminal summonses at the Bernalillo County Metropolitan Court. Unused funds at the end of FY 2011 shall revert to the general fund.

### FISCAL IMPLICATIONS

The Metropolitan Court's estimated proposed operating budget impact is as follows:

4 FTE Background Investigators	
1 FTE Pretrial Services Supervisor	
Annual cost of the 5 FTE	\$280,700
Education and Training of staff; equipment, supplies and database fees	\$14,400
<b>TOTAL=</b>	<b>\$295,100</b>

According to the AOC, the appropriation contained in this bill should be incorporated into the Bernalillo County Metropolitan Court’s operating budget. All the funds are recurring.

**SIGNIFICANT ISSUES**

According to the Bernalillo County Metropolitan Court, HB 100 will allow them to identify more defendants with extensive criminal histories. Metropolitan Court judges utilize background investigations to help determine if defendants have criminal histories and represent a potential danger to the community or a flight risk. The enhanced information would allow judges to identify those defendants who are violent felons, habitual offenders, including repeat domestic violence or “driving while intoxicated” offenders, or who have outstanding felony warrants from other states or other jurisdictions within New Mexico.

**PERFORMANCE IMPLICATIONS**

According to AOC staff, the Metropolitan Court only has the resources to conduct local warrant searches on the National Crime Information Center (“NCIC”) database and on the Court’s own database for criminal defendants who are being booked into the Metropolitan Detention Center. If the Metropolitan Court were awarded the proposed appropriation of \$295,100, it would permit the Court to augment its current program and increase community safety by making it possible to hire, train and equip five (5) additional staff members and expand the Court’s background investigation procedures.

This appropriation would allow the Court to check the following additional records for all criminal defendants:

- (1) Local and national warrants on NCIC;
- (2) Metropolitan Court criminal history;
- (3) NCIC criminal history;
- (4) State of New Mexico State Probation & Parole;
- (5) Pending Federal cases and Federal probation;
- (6) State of New Mexico judiciary database; and
- (7) Motor Vehicle Division database.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

CS/svb