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FISCAL IMPACT REPORT

ORIGINAL DATE 02/18/11

SPONSOR Anderson LAST UPDATED _____ HB 400

SHORT TITLE Minimum Sentence For Registration Offenses SB _____

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of District Attorneys (AODA)

SUMMARY

Synopsis of Bill

House Bill 400 amends Section 1-20-3 NMSA 1978 to ensure that a mandatory minimum sentence of six months is served by those found guilty of election registration offenses, which by statute are considered fourth degree felonies.

FISCAL IMPLICATIONS

According to the Administrative Office of the Courts (AOC), 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. Efforts to quantify specific fiscal impact by case are underway, but specific information is not available at this time.

SIGNIFICANT ISSUES

The mandatory sentencing issued in HB 400 does not allow for consideration of circumstances that may justify a harsher or lighter sentence.

According to the Administrative Office of the District Attorneys (AODA), NMSA 1978, §31-18-15 is the sentencing authority statute for noncapital felonies, and it provides that the basic sentence for a fourth degree felony is 18 months incarceration.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/svb