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FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/11

SPONSOR Nava LAST UPDATED _____ HB _____

SHORT TITLE Parent Accountability For Child Truancy SB 311

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	\$5.0+	\$5.0+	Recurring	Court Funds

(Parenthesis () Indicate Revenue Decreases)

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of District Attorneys (AODA)
 Department of Public Education (PED)

SUMMARY

Synopsis of Bill

Senate Bill 311 increases the penalty for the second or subsequent conviction of parents of a student who knowingly allow the student to continue to violate the Compulsory School Attendance Law from a petty misdemeanor to a misdemeanor.

FISCAL IMPLICATIONS

By increasing the penalty for second and subsequent convictions to a full misdemeanor, it is possible that more parents will contest the charges. It may not increase the caseload at the magistrate and metropolitan courts because they were already handling these cases as petty misdemeanors. It will also not increase the needs in other areas of the criminal justice system either; ie, police, prosecutors, public defenders and probation.

SIGNIFICANT ISSUES

SB 311 amends language from a “petty misdemeanor” to a “misdemeanor.” In addition, a “misdemeanor” will be subject to an increase in fine from \$500 to \$1000. Furthermore, it will increase the possible imprisonment time from a definite term not to exceed six months to a definite term not to exceed one year.

According to the New Mexico Public Education Department’s Habitually Truant Report, the following are state total percentages for the last three school years:

2009 – 2010 16.7% of students were identified as habitual truants

2008 – 2009 12.5% of students were identified as habitual truants

2007 – 2008 13.3% of students were identified as habitual truants

Source:

<http://www.ped.state.nm.us/IT/fs/truancy/habitually%20truant%20statewide%200809.pdf>.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/bym