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FISCAL IMPACT REPORT

ORIGINAL DATE 1/25/12

SPONSOR Stewart **LAST UPDATED** _____ **HB** 20

SHORT TITLE Enforcement of Domestic Violence Protection **SB** _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI*	NFI*	NFI*		General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications

Relates to the New Mexico Family Violence Protection Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)

Public Defender Department (PDD)

Administrative Office of the Courts (AOC)

Department of Public Safety (DPS)

Attorney General's Office (AGO)

Children, Youth, and Families Department (CYFD)

SUMMARY

Synopsis of Bill

House Bill 20 enacts the Uniform Enforcement of Foreign Domestic Violence Protection Orders, permitting registration in New Mexico of protection orders issued by a court, agency, or other entity of another state authorized to issue a protection order. In addition, no information will be made public on the internet regarding the registration of, filing of a petition for or issuance of a protection order, restraining order or injunction, whether filed in New Mexico or any other state if such publication reveals the identity or location of the protected party.

FISCAL IMPLICATIONS

According to the Department of Public Safety:

There is potential tremendous fiscal impact to the State of New Mexico in general and the Department of Public Safety in particular from passage of the proposed legislation. This impact may be felt in the form of increased liability for law enforcement officers taking action under the new act, which they currently have immunity for under the Family Protection Act.

All other responding agencies reported minimal fiscal impact.

SIGNIFICANT ISSUES

While both the federal Violence Against Women Act (VAWA) and the New Mexico Family Violence Protection Act (Sections 40-13-1 through 40-13-12, NMSA) already require State courts to give full faith and credit to orders of protection issued by other States, Territories and Tribal courts, they do not explain in any great detail the core requirements of interstate enforcement of such orders. HB20 provides considerably more detail.

ADMINISTRATIVE IMPLICATIONS

None of the responding agencies reported any specific administrative impact resulting from the passage of this legislation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

According to the Administrative Office of the Courts, Language very similar to Section 6 of HB20 already exists in Section 40-13-12, NMSA. If Section 6 were enacted it would essentially duplicate and potentially conflict with Section 40-13-12.

OTHER SUBSTANTIVE ISSUES

The Attorney General's Office reports the following issues:

1. HB 20 does not specifically include (or exclude) sexual assault in Section 2. DEFINITIONS, subsection E. Failure to include sexual assault or sexual offenses generally, could negatively impact protected individuals. Failure to include sexual offenses could mean the act is inconsistent with 18 USCS 2265 and could jeopardize federal compliance regulations.
2. HB 20 does not include language granting immunity to any agency or law enforcement agency when enforcing an order in good faith.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

NCJ/amm