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## FISCAL IMPACT REPORT

**SPONSOR** Roch **ORIGINAL DATE** 01/19/12  
**LAST UPDATED** \_\_\_\_\_ **HB** 56  
**SHORT TITLE** Homicide and Bodily Harm by Boat **SB** \_\_\_\_\_  
**ANALYST** Sánchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY12 | FY13   | FY14   | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|--------|--------|----------------------|------------------------------|------------------|
| <b>Total</b> |      | \$50.0 | \$50.0 | \$100.0              | Recurring                    | General<br>Fund  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Senate Bills 71 and 72

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

New Mexico Corrections Department (NMCD)

### SUMMARY

#### Synopsis of Bill

House Bill 56 amends the Motor Vehicle Code, Section 66-8-101 to include a prior conviction of Section 66-13-3, Operating a motorboat while under the influence of intoxicating liquor or drugs. The bill also adds a new section addressing homicide by boat and great bodily harm by boat, classifying it as a third degree felony, increases the basic sentence by four years for each prior DWI under Section 66-8-102 and 66-13-3 NMSA 1978. The effective date is July 1, 2012.

### FISCAL IMPLICATIONS

The Corrections Department reports a minimal to moderate increase of new felony convictions resulting in offenders being incarcerated in an NMCD facility. The increase in conviction will likely translate into \$150 thousand over a three year period beginning in FY13

According to the Attorney General, additional law enforcement personnel, training and equipment will be needed to enforce change to the law in this bill.

**SIGNIFICANT ISSUES**

According to the NMCD, if this and other bills are enacted into law the department will reach its rated capacity for its prison population and one of three options will have to be sought: 1) house inmates out of state, 2) release prisoners early or 3) build new or expand existing prisons.

**PERFORMANCE IMPLICATIONS**

Increases in the inmate population could impact inmate-on-inmate or inmate-on-staff assaults, and the community offender management performance measure of “percent of out-of-office contacts per month with offenders on high and extreme supervision on standard caseloads”.

Enactment of this bill may have an impact on the district courts’ performance measures cases disposed of as a percent of cases filed and percent change in case filings by case type.

**ADMINISTRATIVE IMPLICATIONS**

According to the NMCD, current staffing levels and increases in the population will negatively impact the department’s ability to effectively perform prison and probation/parole supervision services.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate bill 71 (Interlocks for Certain Crime Convictions) and Senate Bill 72 (Boating Accident Law Enforcement Notification) relate to HB56.

**ALTERNATIVES**

According to the Attorney General’s Office include a provision criminalizing homicide by boat when a homicide is caused by a boat operator who is distracted or engaged in reckless or careless operation of the boat.

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