

the cost per day to house an inmate in public state prisons in FY18 was an average of \$123.90 per day, or about \$45 thousand per year. Increased length of stay would increase the cost to house the offender in prison. In addition, sentencing enhancements could contribute to overall population growth as increased sentence lengths decrease releases relative to the rate of admissions pushing the overall prison population higher. NMCD's general fund budget, not including supplemental appropriations, has grown by an average of two percent between FY15 and FY19 and the FY19 legislative budget recommendation is 9 percent higher than FY15, closely mirroring the inmate population growth of 10 percent. The LFC reported in its FY19 budget recommendation that NMCD ended FY18 with a \$3.5 million budget shortfall.

Societal benefits, particularly to potential victims, would also accrue through enhanced sentences if they reduce or delay re-offenses. LFC cost-benefit analysis of criminal justice interventions shows that avoiding victimization results in tangible benefits over a lifetime for all types of crime and higher amounts for serious violent offenses. These include tangible victim costs, such as health care expenses, property damage and losses in future earnings and intangible victim costs such as jury awards for pain, suffering and lost quality of life.

If more, higher-penalty trials result, the Public Defender Department (PDD) may need to hire more trial attorneys with greater experience. These felonies would be handled by mid-level felony capable attorneys (Associate Trial Attorneys). Depending on the volume of cases in the geographic location there may be a significant recurring increase in needed FTEs for the office and contract counsel compensation. An Associate Trial Attorney's mid-point salary including benefits is \$92 thousand in Albuquerque/Santa Fe and \$99 thousand in the outlying areas (due to necessary salary differential to maintain qualified employees). Recurring statewide operational costs per attorney would be \$2 thousand with start-up costs of \$3 thousand; additionally, average support staff (secretarial, investigator and social worker) costs per attorney would total \$77 thousand.

As of June 30, 2018, there were 69 offenders committed to the custody of the New Mexico Corrections Department who had a conviction for felon receiving, transporting, or possessing a firearm or destructive device as their highest charge. In lieu of additional information, costs assume commitments remain the same, that there are approximately 69 commitments a year, and that most cases result in commitment, the additional cost of the bill can be approximated using 69 offenders whose commitments could increase up to an additional 18 months. This equates to approximately \$4.7 million a year in incarceration costs, and up to \$97 thousand a year in defense costs, not including any potential additional prosecution or juror costs.

Additionally, an increase in the number of jury trials and appeals is possible, given the increase in the penalty. In general, prosecutions brought pursuant to laws with increased penalties can take up a considerable amount of judicial time and resources.

SIGNIFICANT ISSUES

The basic sentence for a third degree felony is up to three years imprisonment/\$5,000 fine/two years parole versus up to 18 months imprisonment/\$5,000 fine/one year parole for a fourth degree felony. Section 31-18-15 NMSA 1978.