

LFC Requester:	
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 2-7-17
Original **Amendment** **Bill No:** SB263
Correction **Substitute**

Sponsor: Joseph Cervantes **Agency Code:** 264
Short Sentencing Law Fiscal Impact **Person Writing** Gail MacQuesten
Title: Reports & Funds **Phone:** 466-0532 **Email** gailmacquesten@gmail.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

The Judiciary Committee amendment to SB263 strikes Subsection B, which describes the information to be included in the fiscal impact statement required by the bill. It removes the requirement that the statement reflect the estimated increase in annual operating costs for the correction department attributable to a proposed bill, with the estimated increase reflecting the highest annual increase from the projected increase for the six fiscal years following the effective date of the law, calculated in current dollars. It also removes the requirement that the statement include details concerning any increase or decrease in the inmate population.

The amendment also changes Subsection C, regarding the amount to be included in the bill as a one-year appropriation. It now provides that any estimated increase in annual operating costs reported in a fiscal impact statement shall be included.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

The Judiciary Committee amendment may reduce costs for the sentencing commission, because it lessens the requirements for the fiscal impact statements.

The amendment has no fiscal impact for the district attorneys.

SIGNIFICANT ISSUES

SB263 requires the New Mexico sentencing commission to prepare detailed fiscal impact statements for legislation that will increase or decrease inmate populations, and requires the legislature to include in each such piece of legislation a one-time appropriation from the general fund to the criminal justice special fund equal to the amount estimated in the fiscal impact statement. The original bill set out a formula to be used in determining the estimated increase in costs: the statement must use the highest annual increase for the six fiscal years following the effective date of the law. The amendment eliminates that formula, and simply states that any estimated increase in annual operating costs reported in the fiscal impact statement shall be

included in the bill as a one-year appropriation. As stated in the original bill, “operating costs” means all costs other than capital outlay costs for state-operated adult correctional facilities and privately operated adult correctional facilities.

Presumably, the original formula, which used the average over a six year period, was intended to reflect the fact that changes in criminal sentencing laws will not immediately impact the corrections department. It takes time for defendants to be charged, tried, convicted and sentenced under new laws. The corrections department will feel the impact to their costs over a period of years, as more (or fewer) defendants make their way through the criminal justice system and enter the corrections system.

PERFORMANCE IMPLICATIONS

There are no performance implications for the district attorneys.

ADMINISTRATIVE IMPLICATIONS

There are no administrative implications for the district attorneys. The New Mexico criminal sentencing commission will be free to use the formula it considers best to determine an increase in annual operating costs.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None found.

TECHNICAL ISSUES

None found.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If the amendment is not adopted, the criminal sentencing commission will use the formula set out in the original bill, averaging costs over a six year period.

AMENDMENTS

None proposed.