LFC Requester:	

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** Feb. 12, 2107 Bill No: SM 66 **Original** X Amendment **Correction** Substitute **Sponsor:** Cisco McSorley **Agency Code:** 264 Criminal Justice Reform Short **Person Writing** Gary Cade Subcommittee **Phone:** 505-507-7752 **Email** cadeabq@gmail.com Title: **SECTION II: FISCAL IMPACT**

APPROPRIATION (dollars in thousands)

Appropriation		Recurring	Fund	
FY17	FY18	or Nonrecurring	Affected	

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring	Fund
FY17	FY18	FY19	or Nonrecurring	Affected

(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						

(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

<u>Synopsis:</u> SM 66 requests that the, "criminal justice reform subcommittee be re-created" and report at regular intervals to the appropriate interim legislative committee.

FISCAL IMPLICATIONS

Unknown.

SIGNIFICANT ISSUES

In 2014 SM 86 was introduced by Sen. Martinez asking that a criminal justice reform subcommittee be created to report at regular intervals to the appropriate interim legislative committee. Like this memorial, it cited reports in 2013 from the Pew research center and from right on crime recommending to the courts, corrections and justice committee that the New Mexico criminal justice system be examined and potential reforms considered. Both memorials assert that "many sections" of the Criminal Code are "outdated...seem to conflict...are often confusing" and "many statutes criminalizing criminal conduct are not included." Both memorials also state that "criminal penalties in statute should be examined to ensure that there is a proper balancing of penalties." The 2014 memorial was not adopted.

While the overwhelming number of crimes are included in the Criminal Code, criminal offenses that deal with specific subjects also appear in a variety of other chapters in the state statutes: Public Finances; Taxation; Environmental Improvement; Motor Carriers; Animals and Livestock; Libraries, Museums and Cultural Properties; Professional and Occupational Licenses; Insurance Code; Municipalities; Motor Vehicles; Trials; Drugs and Cosmetics; Business Licenses; Military Affairs; Trade Practices and Regulations; Health and Safety; Financial Institutions and Regulations; Miscellaneous Public Affairs; Property Law; Public Purchasing and Practices; and Elections.

The memorial does not identify or offer guidance on what criminal statutes are considered outdated, apparently conflicting and confusing, and a detailed examination to identify any statutes possibly meeting those descriptions was not attempted. One possible example is the general larceny statute, Sect. 30-16-1, NMSA 1978, and the statute prohibiting larceny of cultural properties (knowing appropriation of cultural properties on state land without a permit), Sect. 18-6-9.1, NMSA 1978. In 2006 the general larceny statute was revised to set thresholds of \$250 for a petty misdemeanor; over \$250 to \$500 for a misdemeanor; over \$500 to \$2500 for a fourth degree felony; over \$2500 to \$20,000 for a third degree felony; and over \$20,000 for second degree

felony. By comparison, the thresholds for larceny of cultural properties statute, which was enacted in 1993, are: \$100 for a petty misdemeanor; over \$100 to \$250 for a misdemeanor; over \$200 (???) to \$2500 for a fourth degree felony; over \$2500 to \$20,000 for a third degree felony; and over \$20,000 for a second degree felony.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS