

LFC Requester:	
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**AGENCY BILL ANALYSIS
2015 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:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>1-28-16</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB265</u>

Sponsor:	<u>Antonio "Moe" Maestas</u>	Agency Code:	<u>264</u>
Short Title:	<u>Bench & Arrest Warrant Notifications</u>	Person Writing	<u>Gail MacQuesten</u>
		Phone:	<u>466-0532</u>
		Email	<u>gailmacquesten@q.co</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	minimal	minimal	unknown	recurring	general

(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:

HB265 enacts a new section of the Criminal Procedure Act relating to bench and arrest warrants.

When a bench warrant pertaining to a criminal matter or an arrest warrant is issued by a court, the court shall promptly notify the sheriff’s office, and the sheriff’s office shall promptly enter the warrant into the national crime information center database.

HB265 also provides that the district attorney’s office “shall be notified” within twenty-four hours. The district attorney is to notify the appropriate law enforcement agencies and, when applicable, the appropriate bonding company. If the person for whom the warrant has been issued has been released on bail, the bonding company shall be notified within twenty-four hours.

The local law enforcement agency and the bonding company are directed to take all reasonable, affirmative steps to apprehend the person.

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.

HB265 will increase costs for the district attorneys, who are required to notify the appropriate law enforcement agencies when a warrant is issued and, when applicable, the appropriate bonding company.

SIGNIFICANT ISSUES

HB265 requires that the sheriff’s office and the district attorney be notified when a bench warrant or arrest warrant is issued, and requires the sheriff’s office to enter the warrant into the national crime information center database. In addition, the district attorney is to notify the local law enforcement agency and, if appropriate, the bonding company.

PERFORMANCE IMPLICATIONS

See Significant Issues and Administrative Implications.

ADMINISTRATIVE IMPLICATIONS

Each entity required to give notifications will need to set up an internal procedure for providing those notifications. For the district attorneys, this will require a system for receiving notice, determining which local law enforcement agencies should be notified, determining if a bonding company needs to be notified, and providing the required notifications.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Section 1(B) provides that the district attorney's office "shall be notified," but does not state which entity is to notify the district attorney's office. Is it the court, or the sheriff's office?

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Criminal Procedure Act will not contain notification requirements related to warrants.

AMENDMENTS

None proposed.