

LFC Requester:	Kelly Klundt
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**AGENCY BILL ANALYSIS
2016 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 01/14/2016
Original **Amendment** **Bill No:** HB68
Correction **Substitute**

Sponsor: Conrad D. James **Agency Code:** 264 (AODA)
Short Intentional Child Abuse **Person Writing** Mary Lynne Newell
Title: Penalties **Phone:** 5753136890 **Email** starlight@gilanet.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
none	none		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(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		YES	YES			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 69 Intentional Child Abuse Resulting in death by the same sponsor

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill amends existing law 30-6-1 NMSA to separate negligent abuse of a child from intentional abuse, providing for penalties for intentional abuse ranging from a second degree felony for a first offense not resulting in great bodily harm, and a first degree felony for causing great bodily harm or for second or subsequent offenses.

FISCAL IMPLICATIONS

There may be additional fiscal impact for the District Attorneys' Offices as well as the courts, as with higher penalties these cases will be more contested than they already are. However, these are already treated very seriously, so it is uncertain if this impact will require additional prosecutorial resources as the changes play out.

SIGNIFICANT ISSUES

The bill will support the general premise in criminal prosecutions that intentional acts ought be punished more severely and offenders held more accountable for such acts than for accidental or negligent acts.

PERFORMANCE IMPLICATIONS

For the District Attorneys, this law might increase prosecutions and thus impose some additional costs, but these are among the cases for which those resources will always have a priority, and for which the trade-off of a more appropriate penalty is well worth it.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This is a companion bill to HB 69, Intentional Child Abuse Resulting in Death, by the same sponsor, which will further amend 30-6-1 to address stronger punishment for intentional abuse leading to death of a child crimes. HB 68 must be enacted first, and HB 69 thereafter, to avoid a situation where HB 69 changes the law and then, it could be argued, HB 68 changes it back to its original version, because HB 68 does not include any changes to the child abuse resulting in

death wording.

TECHNICAL ISSUES

Again, if both bills are going to succeed, HB 68 must be enacted first, and HB 69 thereafter, to avoid a situation where HB 69 changes the law and then, it could be argued, HB 68 changes it back to its original version.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Intentionally abused victims who suffer even great bodily harm, but not death, will have their arguably more-culpable perpetrators punished the same as those who have suffered at the hands of the merely criminally negligent.

AMENDMENTS