

LFC Requester:	Mimi Aledo
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**AGENCY BILL ANALYSIS
2013 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

Date 01/23/2013

Original **Amendment**
Correction **Substitute**

Bill No: HB173--305

Sponsor: Rep. Mimi
UNIFORM
Short Title: CHILD
ABDUCTION

Reviewing Attorney General's Office
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SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation	Recurring or Nonrecurring	Fund Affected	
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue	Recurring or Nonrecurring	Fund Affected		
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

HB 173, if enacted, would provide for petitions for and issuance of child abduction prevention orders, would provide relevant definitions,

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

This bill could result in additional child custody litigation in courts of jurisdiction. Because the bill also provides a framework for a court to make a determination as to whether an order preventing abduction should be entered, competent testimony and documentary evidence might be required.

SIGNIFICANT LEGAL ISSUES

The bill creates an exhaustive process by which a party can seek a court order to prevent abduction of a child in a custody dispute context. The bill also contains numerous protections for parties who would be subject to the bill’s provisions. Courts would not be vested with new powers so much as they would be equipped with a legal framework for preventing parental abduction.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

None

TECHNICAL ISSUES OR DRAFTING ERROR

The bill’s prefatory language states that it provides for penalties, yet none are found in the

bill's text. There is also no reference to existing criminal statutes.

OTHER SUBSTANTIVE LEGAL ISSUES

None

ALTERNATIVES TO ENACTING THIS BILL

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL

Provide a framework for criminal penalties to be imposed when a person violates a court's order to prevent abduction or at least refer to applicability of existing criminal statutes barring custodial interference.