

LFC Requester:	CHENIER, ERIC
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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 that apply:

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

Date 2/14/2013
Bill No: HB 301(A)--305

Sponsor: Candy Spence Ezell
Short Domestic Disturbances,
Title: definitions

Reviewing Attorney General's Office
Person Writing MBaber
Phone: 827-6650 **Email** mbaber@nmagt.gov

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

. “Domestic abuse” is defined and tracks current statutes including assault and battery, stalking and harassment, trespass, criminal damage to property and most definitions of abuse in Family Violence Protection Act, NMSA 40-13-2.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

NA. This bill does not increase the number of crimes nor does it increase the penalties for domestic violence crimes

SIGNIFICANT LEGAL ISSUES

AMENDMENT, P. 2 line 25, strikes the word “means” and inserts the phrase “includes but is not limited to”.

This amendment was recommended in a previous FIR by this agency. The amendment reasonably expands the definitions of domestic violence to include the enumerated offenses as well as others. This has the result of making the bill consistent with criminal statutes and the Family Violence Protection Act.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

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

- SB 49 CYFD Statewide Domestic Violence Programs
- SB 132 Uniform Enforcement of Domestic Violence Orders Act (out of state protection orders)
- SB 262 Strangulation and suffocation, 3rd degree felonies
- SB 294 Expungement of Criminal records, (if no other incidents of domestic violence, conviction expunged after 10 yrs)
- SB 407 Domestic Violence Service Referrals (programs by CYFD)
- SB 429 Domestic violence & missing persons (voluntary fleeing by domestic violence victims)
- SM 26 Reauthorize Fed. Violence Against Women Act
- HM 32 One Billion Rising
- HB 173 Uniform Child Abduction Prevention Act
- HB 301 Domestic Violence “at the scene”
- HB 326 Domestic Violence Case Training (tribal funding)

TECHNICAL ISSUES OR DRAFTING ERROR

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OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS NEEDED TO IMPROVE THIS BILL