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| LFC Requester: | Jorgensen, Connor |
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**AGENCY BILL ANALYSIS
2014 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 X **Amendment**
Correction **Substitute**

Date January 30, 2014

Bill No: HB225-305 Jan 30

Sponsor: Anna M. Crook

Reviewing Attorney General's Office

Short Increasing Penalties for Crimes

Person Writing Shannon Murdock

Title: Against Children

Phone: 222-9073 **Email** smurdock@nmag.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 |
|---------------|------|------------------------------|------------------|
| FY14 | FY15 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY14 | FY15 | FY16 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY14 | FY15 | FY16 | 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:

This Bill changes the word “less” to “younger” to help clarify the legislative meaning of the NMSA 1978, Section 30-6-1 (2009). It also adds to paragraph E the term negligent to define the abuse describe in that paragraph. It also restructures paragraph G to read similar to paragraph E. It takes out the age requirement for intentional abuse in paragraph H and changes paragraph G and combines parts of them to making it a first degree felony if any child dies as a result of intentional child abuse.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

None

SIGNIFICANT LEGAL ISSUES

None

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

This Bill changes the language for intentional abuse and now includes intentional abuse that does not involve death or great bodily harm making the first offense a second degree felony and any subsequent offenses first degree felonies. This will be an additional crime for prosecutors to charge where it would possibly have fallen under negligent abuse no death or great bodily harm which were third and second degree felonies respectively. Possible more bargaining power for prosecutors during plea negotiations but the additional penalties will possibly send more people to prison for additional time.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None

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

N/A

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

See above

ALTERNATIVES TO ENACTING THIS BILL

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL

While there is a definition for neglect it is still very vague and allows for independent interpretation which places some children at risk. A more narrowed definition is preferred.