

LFC Requester:	Aurora Sanchez
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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 **Amendment**
Correction **Substitute**

Date January 29, 2015
Bill No: HB 214-305

Sponsor: Rep. Nate Gentry
Short Title: Public Corruption Offenses

Agency Code: Attorney General's Office
Person Writing Jennifer Armijo Hughes, AAG
Phone: 222-9000 **Email** jhughes@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

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

BILL SUMMARY

Synopsis:

HB 214 is an anti-corruption legislation that amends various criminal statutes to increase the penalties for certain public corruption offenses.

The first increased penalty includes increasing the basic sentence of imprisonment by one year, when certain crimes are committed by a person elected, appointed to a position, or employed by a public entity or when a person is convicted of having an unlawful interest in a public contract, where the value received is more than \$50, or demanding or receiving a bribe by a public officer or employee.

The second increased penalty includes being barred from being a lobbyist or contracting with a public entity, which includes the state or one of its agencies, departments, institutions or political subdivisions if convicted under this section. It makes it a 3rd degree felony to willfully violate this provision.

To trigger the enhancement for embezzlement, the thing embezzled or converted must be valued at more than \$500. To trigger the lobbying and contract bar for unlawful interest in a public contract, the value received by a person must be more than \$50.

These crimes included are embezzlement (30-16-8), paying or receiving public money for services not rendered (30-23-2), making or permitting a false public voucher (30-23-3), unlawful interest in a public contract (30-23-6), bribery of a public officer or employee (30-24-1), soliciting or receiving illegal kickback (30-41-1), and offering or paying an illegal kickback (30-41-2).

Section 9 of HB 13 requires all public entities to post notice of public corruption offenses and their penalties. The list of public corruption offenses in this section includes violating the ethical principles of public service (10-16-3), taking an official act for personal financial interest (10-16-4), tampering with public records (30-26-1), embezzlement (30-16-8), paying or receiving public money for services not rendered (30-23-2), making or permitting a false public voucher (30-23-3), unlawful interest in a public contract (30-23-6), bribery of a public officer or employee (30-

24-1), soliciting or receiving illegal kickback (30-41-1), and offering or paying an illegal kickback (30-41-2).

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A