

LFC Requester:	Connor Jorgensen
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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	<input type="checkbox"/>	Amendment	<input checked="" type="checkbox"/>	Date	<u>2/4/2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>SB 151a</u>

Sponsor:	<u>Sen. Mimi Stewart</u>	Agency Code:	<u>Attorney General's Office</u>
Short Title:	<u>Sex Offender Parole Conditions</u>	Person Writing	<u>James Torres, AAG</u>
		Phone:	<u>827-6064</u>
		Email	<u>jtorres@nmag.gov</u>

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:

The following significant amendments have been proposed by the Senate Public Affairs Committee:

1. Child solicitation by electronic communication device would be removed from the list of offenses eligible for a minimum of 5 years supervised parole, as proposed in Subsection (A)(1).
2. Proposed Subsection (D) would be amended, prohibiting the continuation of probation on the sole basis of the circumstances of the underlying sex offense. Additional considerations would include “the sex offender's lack of progress in treatment or rehabilitation, failure to comply with conditions of release and the results of a risk and needs assessment conducted within the six months prior to the review hearing.”
3. Alcohol and drug testing would be removed as possible terms of probation.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Analysis of Senate Public Affairs Committee Amendments

These amendments further diminish community safeguards built into the codified statute. By striking child solicitation by communication device from the list of offenses triggering this statute, SB 151 would serve only as an impediment to instituting supervised probation for sex offenders. The seriousness of the crimes committed by sex offenders should bear significant weight in determining the duration of supervised probation.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Addressed above

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

Suggested Amendment to Proposed Subsection (D):

Drafters may consider amending Proposed Subsection (D) to add the possibility of a trial court finding egregious nature of facts sufficient to constitute the basis for extending the parole term.