

LFC Requester:	Eric Chenier
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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:

Date February 20 , 2015

Prepared: _____

Bill No: Senate Bill 649

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

Sponsor: Sen. Joseph Cervantes

Agency Code: Attorney General's Office

Short Title: Sentencing Law Fiscal Impact Reports & Funds

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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: Senate Bill 649 seeks to create the Criminal Justice Special Fund which shall be used for criminal justice purposes. The Fund will be provided appropriations from the general fund based upon fiscal impact statements that shall be mandatorily drafted by the New Mexico Sentencing Commission on any legislation that affects imprisonment of criminal offenders.

FISCAL IMPLICATIONS: As drafted, the Criminal Justice Special Fund may be used for “criminal justice purposes.” These purposes may include operating costs for several non-exclusive state agencies that are identified. Although the Attorney General’s Office is not specifically identified as one of these agencies, it is possible the Attorney General’s Office may be eligible for future appropriations towards operating costs.

SIGNIFICANT ISSUES: The creation of the Criminal Justice Special Fund is only made possible by fiscal impact statements that must be drafted by the New Mexico Sentencing Commission. These statements would be mandatory on all future legislation that affects imprisonment. Since the statements may be costly and burdensome to produce, this Bill may serve as a deterrent against future criminal legislation.

Furthermore, the purpose of the Criminal Justice Special Fund is ambiguous. The bill allows appropriations out of the fund only for “criminal justice purposes.” Little guidance is given as to what agencies, projects or departments shall be eligible.

PERFORMANCE IMPLICATIONS

Note: N/A

ADMINISTRATIVE IMPLICATIONS

Note: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

Note: N/A

TECHNICAL ISSUES

Note: N/A

OTHER SUBSTANTIVE ISSUES

Note: N/A

ALTERNATIVES

Note: N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

Note: N/A