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FISCAL IMPACT REPORT

SPONSOR: Rios DATE TYPED: 02/08/01 HB HJM-27
 SHORT TITLE: Pardon "Billy the Kid" SB _____
 ANALYST: Woodlee

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY01 | FY02 | FY01 | FY02 | | |
| NFI | NFI | NFI | NFI | NFI | NFI |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Commission of Public Records
 Tourism Department
 Office of Cultural Affairs

SUMMARY

Synopsis of Bill

House Joint Memorial 27 requests that the Governor pardon Henry McCarty, also known as William H. Bonney, also known as "Billy the Kid" in recognition of his descendants living and working in New Mexico.

Significant Issues

According to the Commission of Public Records, the 1880 Lincoln County Federal Census, Fort Sumner, listed household 286, William Bonney as "single." The Territory of New Mexico did not maintain civil birth records at that time and there are no public records in the State Archives that document descendants of Henry McCarty, or "Billy the Kid."

The Commission of Public Records indicates the following documented history of "Billy the Kid":

- Before 1873 - There is no record of Henry McCarty, a.k.a. William H. Bonney, a.k.a "Billy the Kid";
- March 1, 1873 - First public record when his mother married his stepfather, William H. Antrim, at the First Presbyterian Church in Santa Fe.

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- 1879 San Miguel County Docket book - The Territory vs. "The Kid" for keeping a gaming table. (Unknown whether "The Kid" is the same William Bonney)
- 1879, San Miguel County Docket book - The Territory vs. William Bonney alias "The Kid" for stealing cattle. The charge was dismissed.
- 1879, San Miguel County Docket book - The Territory vs. William Bonney, William Wilson, Samuel Cook, and Thomas Pickett for stealing horses. Charged and released on \$300 bail.
- April 18, 1879, Lincoln County - The Territory vs. William Bonney alias "The Kid" indicted for the murder of Lincoln County Sheriff William Brady.
- April 14, 1881, Dona Ana County District Court Criminal Case #531 and #532. The Territory vs. William Bonney alias "The Kid" tried March 1881 for the murder of William Brady. Judgement found guilty April 14, 1881, La Mesilla. "To be delivered into the custody of the Sheriff of Lincoln County and be confined in prison until Friday the 13th day of May, 1881, and between the hours of 9 AM and 3 PM, William Bonney be taken from prison to some suitable and convenient place of execution, that William Bonney be hanged by the neck until his body be dead."
- April 28, 1881, Lincoln County - William Bonney escapes from jail and flees, after killing Deputy Bob Ollinger and Deputy James W. Bell;
- July 14, 1881, Fort Sumner - Sheriff Pat Garrett kills William Bonney;
- July 15, 1881, San Miguel County - Andres Segura, Justice of the Peace, names a jury to investigate the death of William Bonney. The jury found the following verdict:

"We the jury unanimously find that William Bonney has been killed by a shot on the left breast near the region of the heart, the same having been fired with a gun in the hand of Patrick F. Garrett and our verdict is that the deed of Garrett was justifiable homicide and we are unanimous in the opinion that the gratitude of all the community is due to the said Garrett for his deed and is worth of being rewarded."

The Office of Cultural Affairs note that it is known that during the last few years of his life, until his death, "Billy the Kid" roamed the ranches, farms and sheep camps in the vicinity of Fort Sumner, New Mexico. During this time, it is possible that he "fathered several children," however, the historic record does not contain this information.

FISCAL IMPLICATIONS

There is no appropriation or significant fiscal implication associated with this joint memorial.

MW/njw