AN ACT

RELATING TO CRIMINAL SENTENCING; REQUIRING THE NEW MEXICO
SENTENCING COMMISSION TO PREPARE FISCAL IMPACT STATEMENTS FOR
LEGISLATION THAT WOULD INCREASE, DECREASE OR CREATE CRIMINAL
PENALTIES; REQUIRING THAT AN APPROPRIATION BE INCLUDED WITH
SUCH LEGISLATION; CREATING A FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

     SECTION 1. [NEW MATERIAL] LEGISLATION TO INCREASE,
DECREASE OR CREATE PERIODS OF IMPRISONMENT--FISCAL IMPACT
STATEMENTS--PROCEDURE.--

          A. The New Mexico sentencing commission shall
prepare a fiscal impact statement as provided in this section
for a bill that:

               (1) creates a new crime or repeals an existing
crime for which imprisonment is authorized;

.203120.1

1   (2)   increases or decreases the period of

2   imprisonment authorized for an existing crime;

3   (3)   imposes or removes mandatory minimum terms

4   of imprisonment; or

5   (4)   modifies the law governing release of

6   inmates in such a way that the time served in prison will

7   increase or decrease.

8   B.   A fiscal impact statement shall reflect the

9   estimated increase in annual operating costs for the

10   corrections department attributable to the bill if it becomes

11   law.   The estimated increase in annual operating costs shall

12   reflect the highest annual increase from the projected increase

13   for the six fiscal years following the effective date of the

14   law and shall be calculated in current dollars.   The fiscal

15   impact statement shall include details concerning any increase

16   or decrease in the inmate population.

17   C.   The amount estimated in a fiscal impact

18   statement shall be included in the bill as a one-year

19   appropriation from the general fund to the criminal justice

20   special fund.   If the New Mexico sentencing commission does not

21   have sufficient information to project the fiscal impact, the

22   fiscal impact statement shall state that there is insufficient

23   information to estimate the fiscal impact.

24   D.   The corrections department shall annually

25   provide the New Mexico sentencing commission with the average

.203120.1

1　operating costs per inmate and the number of inmates in adult

2　correctional facilities.　The corrections department shall

3　annually provide the New Mexico sentencing commission with

4　admissions and release data for all inmates in adult

5　correctional facilities.　The judiciary shall annually provide

6　the New Mexico sentencing commission with requested data

7　necessary to prepare fiscal impact statements.

8　　　　　E.　As used in this section, "operating costs" means

9　all costs other than capital outlay costs for state-operated

10　adult correctional facilities and privately operated adult

11　correctional facilities.

12　　　　　**SECTION 2.**　[NEW MATERIAL] CRIMINAL JUSTICE SPECIAL FUND--

13　CREATED.--

14　　　　　A.　The "criminal justice special fund" is created

15　in the state treasury.　The fund consists of appropriations,

16　gifts, grants, donations and bequests made to the fund.　Income

17　from the fund shall be credited to the fund.　Money in the

18　criminal justice special fund shall not revert to the general

19　fund.

20　　　　　B.　Money in the criminal justice special fund shall

21　be subject to appropriation by the legislature for criminal

22　justice purposes, including operational costs of the

23　corrections department, courts, district attorneys and the

24　public defender department.

25　　　　　**SECTION 3.**　EFFECTIVE DATE.--The effective date of the

.203120.1

provisions of this act is July 1, 2016.

.203120.1