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SENATE BILL 263

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Joseph Cervantes

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;

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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

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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 at the end of a fiscal year.

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

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1 provisions of this act is July 1, 2017.

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