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FISCAL IMPACT REPORT

SPONSOR Ferrary/
Maestas Barnes ORIGINAL DATE 2/22/2017 LAST UPDATED _____ HB 319

SHORT TITLE Increasing Leaving the Scene Penalties SB _____

ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal	Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

HB 319 would increase the penalties for those involved in a vehicle accident for failure to stop and remain at the scene of an accident, under Section 66-7-201 NMSA 1978. The penalty for failure to stop with respect to an accident that results in great bodily harm or death would be raised from a fourth to a third degree felony. The penalty for a knowing failure to stop and cause an accident that results in great bodily harm or death would be raised from a third to a second degree felony. HB 319 would create a new penalty for a knowing failure to stop with respect to an accident that does not result in great bodily harm or death, which would be a fourth degree felony.

FISCAL IMPLICATIONS

The AOC explains HB 319 could increase the caseloads for the courts, without appropriating additional resources to the courts to handle the increase, because as penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials will require additional judge time, courtroom staff time, courtroom availability, and jury fees. The courts are currently struggling to keep the jury fund funded enough to pay jurors for their service under the current laws. Increasing the number of jury eligible cases would further strain this fund

without the additional resources necessary to handle the increase. The Administrative Office of the Courts cannot quantify the costs at this time. However, there is not likely to be a surge in these cases that would significantly affect the courts.

There will also be a minimal administrative cost for statewide update, distribution and documentation of statutory changes.

PERFORMANCE IMPLICATIONS

The AOC explains the courts are participating in performance based budgeting. HB 319 may impact the courts' performance based budgeting measures, which may result in a need for additional resources. The courts' performance measure clearance rates may be impacted due to the increased amount of judge and clerk time needed to process and dispose of these types of cases.

DPS reports there will be no fiscal impact as a result of this bill upon the department.

ADMINISTRATIVE IMPLICATIONS

The AOC states there will be an administrative impact on the court resulting from added judicial and clerical time needed to monitor and dispose of these types of cases.

TR/al/jle