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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	Herrera/Dow/Duncan/Brown/ Hernandez, JF	<b>LAST UPDATED</b>	
		<b>ORIGINAL DATE</b>	2/23/2025
<b>SHORT TITLE</b>	County Sheriff Inmate Transpo Reimbursement	<b>BILL</b>	
		<b>NUMBER</b>	House Bill 414
		<b>ANALYST</b>	Ortega

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Agency Analysis Received From

New Mexico Attorney General (NMAG)

New Mexico Corrections Department (NMCD)

#### Agency Analysis was Solicited but Not Received From

Council of State Governments (COGS)

Department of Finance and Administration (DFA)

Attorney General (NMAG)

New Mexico Municipal League (NMML)

## SUMMARY

### Synopsis of House Bill 414

House Bill 414 (HB414) enacts a new section of Chapter 4, Article 44 NMSA 1978 to provide for reimbursement to county sheriffs, deputy sheriffs, and guards for expenses incurred while transporting inmates, individuals charged with a crime, or persons in the custody of a law enforcement agency. Reimbursement will be paid at the per diem rate authorized under the Per Diem and Mileage Act by the county on whose behalf the expenses are incurred.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## FISCAL IMPLICATIONS

HB414 does not include an appropriation for its implementation but may have a fiscal impact on counties responsible for transporting individuals in custody. The New Mexico Corrections Department (NMCD) has indicated that HB414 would not result in additional costs or

operational changes for the department, as it manages inmate transportation internally for facility transfers and medical treatment. However, when an inmate is required to appear in a different county for a court hearing, the responsibility for transportation and associated per diem expenses would fall on the county sheriff's office. The overall fiscal impact on counties will vary based on the frequency and distance of required transports.

## **SIGNIFICANT ISSUES**

NMCD notes that HB414's use of the term "guard," is not well defined, making it unclear whether it refers to county jail employees or state correctional officers. Without clarification, the bill could create uncertainty about which personnel qualify for per diem reimbursements, potentially leading to inconsistent application across jurisdictions.

The New Mexico Attorney General (NMAG) notes that Section 4-44-18(C) of state law already addresses per diem and mileage expenses for sheriffs, deputies, and guards when transporting certain individuals and that adding a new section on the same topic could create redundancy and potential confusion in the statute. Additionally, NMAG points out that the bill's language allowing reimbursement for transporting a "person charged with the commission of a crime or person in the custody of a law enforcement agency" is broad and may extend eligibility beyond criminal cases. For example, this could potentially apply to non-criminal detentions, such as those related to immigration enforcement. NMAG states that it is unclear whether this outcome was intended by the bill's drafters.

AO/rl/SL2/sgs