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FISCAL IMPACT REPORT

SPONSOR:	Dana	DATE TYPED:	01/29/00	HB	48
SHORT TITLE:	"Violent Felony" Definition			SB	
				ANALYST:	O'Connell

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
			Unknown	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

LFC files

Administrative Office of the Courts (AOC) analysis

Department of Corrections analysis

Public Defender Department analysis

SUMMARY

Synopsis of Bill

House Bill 48 mends Section 31-18-23 NMSA 1978 to change the definition of a "violent felony" for the purposes of the current three violent felony convictions law.

Significant Issues

Currently, "violent felony" means first or second degree murder, shooting at or from a motor vehicle resulting in great bodily harm, kidnaping resulting in great bodily harm, first or second degree criminal sexual penetration when the perpetrator is armed with a deadly weapon, and robbery resulting in great bodily harm when the perpetrator is armed with a deadly weapon. House Bill 48 would expand that definition to include any first or second degree felony involving the use or threatened use of force or violence.

FISCAL IMPLICATIONS

The Department of Corrections, the Public Defender Department, and the Administrative Office of the Courts all assert that passage of House Bill 431 would dramatically increase costs of operation due to

projected increase in jury trials, appeals and incarceration.

OTHER SUBSTANTIVE ISSUES

According to Corrections Department analysis, House Bill 48 may unintentionally omit the crime of first degree murder from the definition of "violent felony".

BOC/njw