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FISCAL IMPACT REPORT

SPONSOR:	Howes	DATE TYPED:	02/14/00	HB	
SHORT TITLE:	Municipal Curfew Ordinances			SB	411
				ANALYST:	Gonzales/Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY 01		
			Undetermined	Recurring	GF

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

LFC Files

Administrative Office of the Courts

Department of Public Safety

SUMMARY

Synopsis of Bill

SB 411 amends Section 3 -17-1, NMSA 1978 to authorize municipalities to impose a fine of up to \$250 or community service, or both, for violation of municipal curfew ordinance. The bill also amends Section 32A-2-29, NMSA to provide that a child found guilty of violating a curfew ordinance may not be incarcerated without prior court approval.

Significant Issues

The Administrative Office of the Courts (AOC) reports that because the bill authorizes municipalities to enforce local curfew ordinances, there may be an increase in the number of prosecutions initiated under local curfew ordinances. AOC further explains that municipal, magistrate, and metropolitan courts are given exclusive jurisdiction over such cases and therefore will face increased caseloads. In addition, this bill may encourage local communities to enact and enforce curfew laws; the courts may be called upon to resolve constitutional challenges that individual parties may raise to the enactment or enforcement of those laws.

The Department of Public Safety (DPS) addresses the issue of the appropriateness of the municipal court considering curfew violations rather than the Children's Court. The issue does not impact DPS.

FISCAL AND ADMINISTRATIVE IMPLICATIONS

AOC says that it will cost the judicial system \$400 for statewide update, distribution, and documentation of statutory changes. Additional impact on the judiciary would be proportional to the enforcement and commenced prosecutions related to local curfew laws and therefore require additional resources. According to DPS, courts have addressed issues raised by curfew ordinances in a variety of context, such as arrest authority, but this legislation does discuss in detail the language in any individual ordinance. Based on the available information, it is difficult to make a determination on the fiscal and administration impact of this bill.

JMG:BD/gm