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FISCAL IMPACT REPORT

SPONSOR: Madalena DATE TYPED: 03/01/01 HB 621
 SHORT TITLE: DA as Prosecutor in Tribal Court SB _____
 ANALYST: Belmares

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	See Fiscal Implications section below.			

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files
 Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Bill

House Bill 621 allows a district attorney to contract with an Indian nation, tribe or pueblo within the boundaries of the district attorney’s judicial district for the purpose of authorizing the district attorney or his staff to serve as a tribal prosecutor and prosecute alleged violations of tribal codes by tribal members in tribal courts.

Significant Issues

The bill enhances the list of duties of district attorneys to include providing prosecutorial services to Indian nations, tribes, or pueblos who chose to contract with the district attorneys for these services. The Administrative Office of the District Attorneys asserts that although several judicial district attorneys have had similar arrangements with Indian nations, tribes or pueblos in their judicial district, the Attorney General’s Office informed them they had no such authority. These arrangements were discontinued and were mostly for “high court misdemeanors.” This bill creates the statutory authority to allow these arrangements to exist legally. The Administrative Office of the District Attorneys has indicated the district attorneys supports the provision of the bill.

The bill provides that the district attorney who contracts for prosecutorial services must be “reasonably compensated for the expenses of staff and equipment.” See Technical Issues section below.

FISCAL IMPLICATIONS

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House Bill 621 does not make an appropriation. The Administrative Office of the District Attorneys indicated the bill “could generate a new revenue stream for that office [a district attorney office who enters into professional service contract pursuant to this bill],” but did not quantify an estimated fiscal impact.

ADMINISTRATIVE IMPLICATIONS

The administrative impact on the district attorneys and AODA will be minimal.

TECHNICAL ISSUES

“Reasonably compensated for the expenses of staff and equipment” as used on page 3, line 2 should be defined more clearly.

POSSIBLE QUESTIONS

The Administrative Office of the District Attorneys asserts district attorney offices will not be able to enter into contracts with Indian nations, tribes or pueblos (for prosecutorial services). How are existing prosecutorial services contracts with Indian nations, tribes or pueblos allowed?

EB/njw:pr:ar