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## FISCAL IMPACT REPORT

SPONSOR Lopez DATE TYPED 2/11/2004 HB \_\_\_\_\_

SHORT TITLE Exposure of Domestic Violence Shelters SB 548

ANALYST Valenzuela

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

- *Report of the Legislative Finance Committee to the Forty-sixth Legislature, Second Session, January 2004 for Fiscal Year 2004 – 2005, pp. 650 - 658.*

#### Responses Received From

Administrative Office of the Courts  
 Commission on the Status of Women  
 Human Services Department  
 Public Defender Department

#### No Response Received From

Department of Public Safety did not respond to a request for a bill analysis.

### SUMMARY

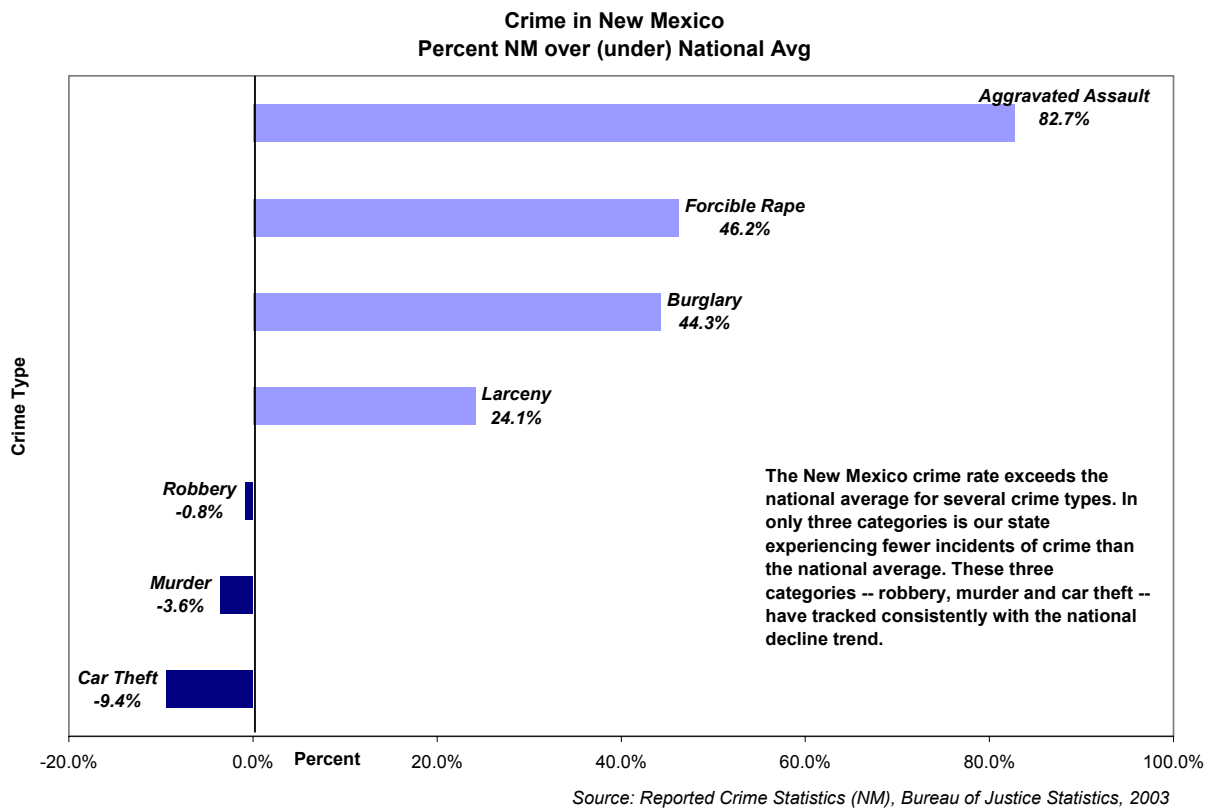
#### Synopsis of Bill

Senate Bill 548 adds a new section to the Crimes Against Household Members Act that would define malicious exposure of a domestic violence shelter and make it a misdemeanor crime carrying a jail sentence of not less than 72 consecutive hours. The bill defines malicious exposure as disclosing the location of the shelter for the purpose of (1) causing or encouraging harm to the shelter or its residents or (2) intimidating, harassing or frightening the occupants or staff of the shelter. The jail term cannot be suspended, deferred or taken under advisement.

Significant Issues

SB 548 would criminalize disclosure of a domestic violence shelter, if based on malicious intent. This bill would create more protection for individuals seeking safety and assistance from domestic violence shelters, and for the staff providing these services.

The Department of Public Safety (DPS) has modified its strategic plan to reduce domestic violence and crimes against children. While crime is declining nationally, it has been increasing in New Mexico with the state’s violent crime rate outpacing the national average for more than a decade. The graphic below highlights those crimes where New Mexico exceeded the national average for 2001.

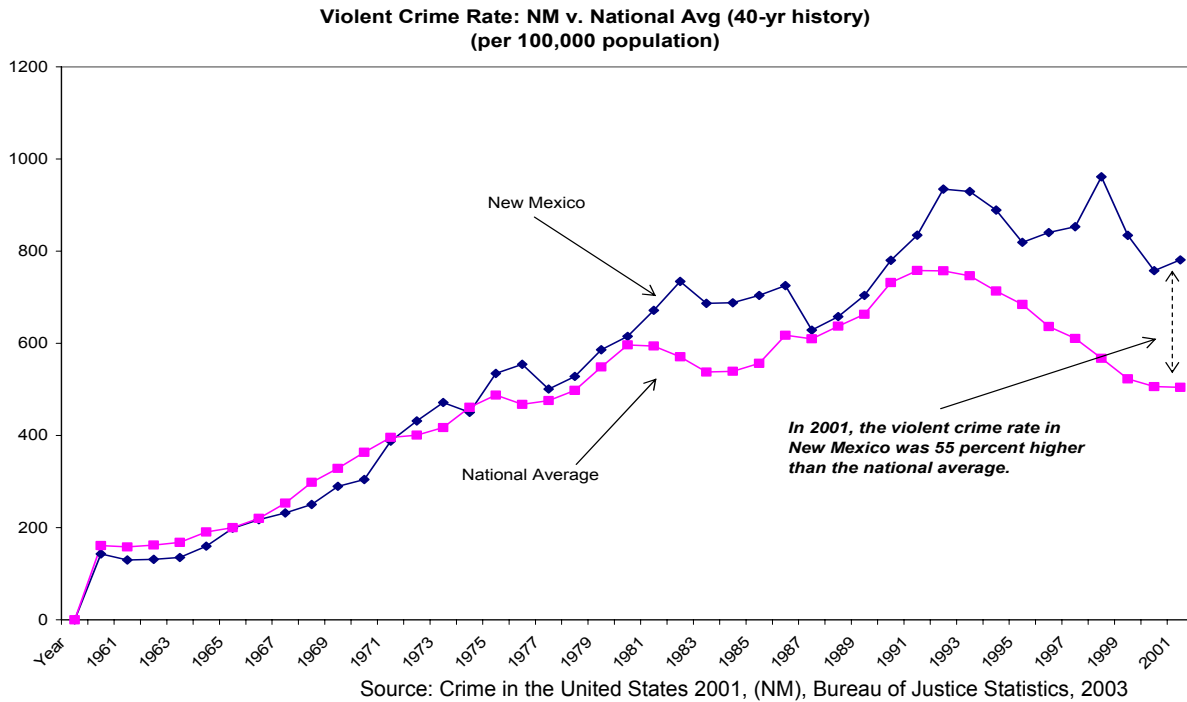


In New Mexico, violent crime per capita, a DPS strategic focus, is 55 percent higher than the national average. In its strategic plan, the department outlines several activities and performance measures to gauge its effectiveness, including a set of domestic violence training activities for law enforcement officers and victims. DPS, representing only 18.1 percent of law enforcement personnel in New Mexico, must collaborate with local law enforcement to address crime throughout the state. Defining jurisdictional roles and responsibilities with local law enforcement will be critical for DPS to effectively attack increasing crime, including domestic violence.

According to the Commission on the Status of Women, 16,579 new clients are served by 29 domestic violence providers across our state:

- 7,810 were adult victims, 47 percent of total
- 5,418 children, 33 percent of total
- 3,341 offenders, 20 percent of total.

In New Mexico 77 percent of suspects/offenders identified by law enforcement are male and 89 percent of offenders identified by domestic violence providers are male. According to the *New Mexico Female Intimate Partner Violence Death Review Team, Getting Away with Murder II*, every year an average of 15 women are killed by their intimate partner



## FISCAL IMPLICATIONS

SB 548 does not contain an appropriation.

The fiscal impact will be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads, thus requiring additional resources to handle the increase.

**MFV/yr**