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FISCAL IMPACT REPORT

SPONSOR Stewart DATE TYPED 02/18/05 HB 231/HJCS

SHORT TITLE Battery Against a Household Member SB _____

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Corrections Department (CD)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

The House Judiciary Committee Substitute for HB 231 adds a new section to the statute mandating the penalty for each conviction for battery against a household member or aggravated battery against a household member after the first conviction. All convictions after the first one will require mandatory jail time. See table.

First Conviction	Existing law applies, guilty of a misdemeanor
Second Conviction	48 hour jail term (mandatory)
Third Conviction	30 day consecutive day jail term (mandatory)
Fourth Conviction	6 month jail term (mandatory)

If an offender's sentence is suspended or deferred in whole or in part, the period of probation may extend beyond 364 days but may not exceed 455 days.

Also, as part of any sentence, the person convicted of battery of a household member will be re-

quired to participate in and complete a domestic violence offender treatment program. Neither the mandatory jail term nor the offender treatment program shall be suspended, deferred, or taken under advisement by the court.

Significant Issues

Domestic violence is a serious problem in New Mexico. Requiring treatment is an important component of stopping domestic violence.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would 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 in the courts, thus requiring additional resources to handle the increase

The most significant issue to the CD will be a large increase in prison population as it creates a fourth degree felony for what was previously a misdemeanor. It also sets mandatory prison terms of six months, which increases the likelihood of District Judges sending offenders to the CD to lessen the cost of local incarceration. This offense frequently has repeat offenders.

The treatment component will mean that offenders must be supervised to insure compliance after release from custody. This bill will increase the caseload burden on Probation and Parole, but CD states that these costs can be absorbed.

ADMINISTRATIVE IMPLICATIONS

There will be increased court and staff time as a result of mandatory penalties and the additional court time it would take to prove prior convictions.

In both the short term and the long term, the longer sentences will result in an increase in the administrative burden upon prison personnel, probation and parole personnel and support staff.

DW/rs:lg