

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR HJC DATE TYPED 3/17/05 HB 356 & 578/HJCS

SHORT TITLE Employee Leave for Certain Crime Victims SB _____

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$0.1	Recurring	GF

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Judiciary Committee substitute for House Bill 356 and House Bill 578 requires employers to provide paid or unpaid leave to an employee who is a crime victim to attend any judicial proceeding that relates to a crime committed against the victim.

An employer may require that a request for leave supported by satisfactory evidence The employee shall provide, in a timely manner, satisfactory evidence to the employer.

The bill defines the following:

- Crime victim means a person against whom a criminal offense is committed, a family member or a victim's representative when the crime victim is a minor, incompetent or a homicide victim;
- Employer means any person employing four or more persons and any person acting for an employer.
- Satisfactory evidence includes any police, court or official records or reports concerning a crime committed against the victim.

The effective date of the provisions of this act is July 1, 2005.

Significant Issues

This substitute does not require employers to grant the same leave protections to witnesses of crimes. Witnesses are usually issued subpoenas and required to attend judicial proceedings. The Attorney General's Office suggests that this bill should extend the same leave policy to witnesses as well as victims of crime.

This bill does not provide any penalties for violating its provisions nor does it designate a responsible party for the enforcement of the legislation.

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.

ADMINISTRATIVE IMPLICATIONS

Public employers should be able to manage the requirements in this bill with proper planning.

POSSIBLE QUESTIONS

This bill defines "employer" as any person employing four or more employees at any one time. Is that based on presumed cost considerations? Should an employer with less than four employees have to comply with this provision?

DW/lg:rs