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## FISCAL IMPACT REPORT

SPONSOR Beam DATE TYPED 2/4/05 HB 577/aHJC

SHORT TITLE Murder Victim's Children College Tuition SB \_\_\_\_\_

ANALYST Williams/Peery

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$2,500.0			Recurring	General Fund *

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to various student financial aid bills

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
	\$2,500.0		Recurring	Crime Victims Reparation Fund *

(Parenthesis ( ) Indicate Revenue Decreases)

\*Assumes costs of the scholarship program are capped within the limits of the appropriation.

### SOURCES OF INFORMATION

- LFC Files
- Office of the Attorney General (OAG)
- Crime Victims Reparation Commission
- Commission on Higher Education (CHE)
- Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment shifts the focus of the bill from murder victims to homicide victims; however, note that the help line would still focus on murder victims. The cap on reparation awards is respecified as \$50,000 per homicide.

Synopsis of Original Bill

House Bill 577 makes numerous changes to the authority of the Crime Victims Reparation Commission. First, the bill authorizes the Crime Victims Reparation Commission to pay tuition to post-secondary educational institutions for children, regardless of age, of murder victims and authorizes the commission to develop guidelines for the program. The bill expands the cap on reparation awards to \$50,000 per family of a murder victim, from the current \$20,000 per victim. The bill authorizes a helpline to assist families of murder victims. The bill repeals section 31-22-24 NMSA 1978, the sunset provision of the Crime Victims Reparation Fund Act. Finally, the bill appropriates \$2.5 million from the general fund to the crime victims reparation fund.

Significant Issues

The Attorney General's Office notes neither the bill nor the amendment defines "homicide" or refers to NMSA Section 31-22-8 of the Crime Victims Reparation Act which enumerates crimes for which reparation is allowed. The list includes certain criminal homicidal offences: "murder", "voluntary manslaughter", "involuntary manslaughter", and "homicide by vehicle". That section does not allow reparation for all forms of "homicide".

This bill expands the focus on the crime victims reparation commission and associated fund to a scholarship program. Other state scholarship programs are administered by the Commission on Higher Education.

The Crime Victims Reparation Commission currently operates a toll free victims assistance hotline. This hotline offers services to victims, as opposed to the target group of the bill which is victims of murder.

**FISCAL IMPLICATIONS**

The appropriation of \$2.5 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY07 would revert to the general fund.

It is not clear, but is assumed, that the \$2.5 million is anticipated to cap the costs of the scholarship program as well as provide for the start-up and operating costs of the telephone service.

The fiscal impact assumes costs of the scholarship program are capped within the limits of the appropriation.

**ADMINISTRATIVE IMPLICATIONS**

The Crime Victims Reparation Commission will need to develop policies and procedures to allocate tuition payments for a new scholarship program.

**TECHNICAL ISSUES**

Is the intent to limit tuition payments to public post-secondary institutions in the state of New Mexico?

## OTHER SUBSTANTIVE ISSUES

The Crime Victims Reparation Act is scheduled to sunset on July 1, 2006.

According to the Office of the Attorney General:

“The Crime Victims Reparation Act was enacted in 1981 to provide compensation for victims of violent crimes. It is funded by appropriations from the general fund to the crime victim’s reparation fund. The Commission has discretion when deciding whether to make awards, and how much money will be awarded up to the statutory limits *per victim*. The Act currently allows the Commission to award funds (up to the limits) to “dependents” of murder victims for any pecuniary loss resulting from the victim’s death which the commission deems reasonable and proper. Presumably this could already include college tuition for dependents of murder victims. Section 31-22-9C. The term “dependent” is defined in the Act to include relatives who were more than 50% dependent upon the victim. However, this bill uses the term “family” with regard to the increased award limitation for families of murder victims, but does not define that term. It changes the award scheme with respect to dependents of murder victims from being based upon individual claimants, to one based upon being a “family”.”

The Office of the Attorney General recommends the terms “family” and “adult children” as used in the bill should be defined, or the bill could use either the terms “family relationship group” or “dependent” which are already defined and used in the Act.

## POSSIBLE QUESTIONS

1. Would there be any interaction between this scholarship program and other grants, loans and scholarships when a post-secondary institution determines student need?

AW:RP/yr:lg