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FISCAL IMPACT REPORT

ORIGINAL DATE 2/8/2006

SPONSOR Gardner LAST UPDATED _____ HB HJR 13

SHORT TITLE Prohibit Bail for Methamphetamine Crimes, CA SB _____

ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	None		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Joint Resolution 13 proposes to amend Article 2, Section 13 of the New Mexico Constitution to prohibit bail to persons charged with the manufacture of methamphetamine.

SIGNIFICANT ISSUES (AOC)

The proposed amendment, in effect, equates the manufacture of methamphetamine with the commission of a capital offense. Article 2, Section 13, Section 1.A. and B. provide a time limitation on bail when a defendant is accused of a felony and meets certain conditions, and when a defendant is accused of a felony involving the use of a deadly weapon and has a prior felony conviction within the state.

The number of cases relating to methamphetamine manufacture has risen dramatically and may continue to rise. For courts to make a determination of whether there is proof or a great presumption that a defendant has participated in the manufacture could take a great deal of time. There will also be resultant challenges to the denial of bail.

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A Constitutional amendment requires a majority of legislators in both the House and the Senate to vote in favor of the amendment. The Secretary of State must publish the amendment in ways specified by Article 19, Section 1, and then a majority of voters must vote in favor of the amendment in the next general election or a special election called for this purpose.

RELATIONSHIP

Relates to SB 195 (prison time for methamphetamine manufacture).

POSSIBLE QUESTIONS

How closely must one be linked to the “manufacture of methamphetamine” to be subject to the bill’s prohibition of bail? Will someone performing the equally destructive “distribution of methamphetamine” escape the prohibition?

BMC/mt