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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/07

SPONSOR Fox-Young LAST UPDATED _____ HB 520

SHORT TITLE Life Imprisonment with No Parole SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NA	Unknown	Unknown	Unknown	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

New Mexico Corrections Department (NMCD)
 Administrative Office of the Courts (AOC)
 New Mexico Sentencing Commission (NMSC)
 Public Defenders Department (PDD)

Response Not Received From

Administrative Office of the District Attorney (AODA)

SUMMARY

Synopsis of Bill

House Bill 520 amend Section 31-18-23 NMSA 1978 to require individuals convicted of three designated violent felonies, first degree felonies resulting in the death of a child, two violent sexual offenses or a capital felony to serve life sentences of 30 years without possibility of parole. The proposed legislation also amends Section 31-21-10 NMSA 1978 to eliminate the duties and finding required of the Parole Board for these types of offenses.

FISCAL IMPLICATIONS

NMCD notes there is no appropriation in the proposed legislation. NMCD reports that in the long term, the proposed legislation could result in minor to moderate increases in costs to the department. NMCD reports that in approximately 30 years, the proposed legislation could result in substantial increases in costs to the department resulting for the need to house these offenders who might otherwise have been released on parole. NMCD states the proposed legislation will increase costs in medical treatment as these inmates sentenced to life without possibility of parole become elderly. NMCD reports the annual cost of incarcerating an inmate is \$23,867 per year for males and \$21,651 per year for females. The cost per client in probation and parole for a standard supervision program is \$1,467 per year, for an intensive supervision program is \$3,383 per year, for a NMCD community corrections program is \$3,503 per year, for a privately-owned community corrections program is \$7,917 per year, and for male and female residential community corrections program is \$39,401 per year.

AOC states the proposed legislation will add a minimal administrative cost for statewide updates, distribution and documentation of statutory changes. AOC notes any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions.

SIGNIFICANT ISSUES

NMCD reports inmates who are sentenced to prison with no possibility of parole are much more likely to be a management problem. NMCD states these inmates have no incentive to comply with prison rules or regulations.

ADMINISTRATIVE IMPLICATIONS

NMCD states the proposed legislation, in the short and long term, could result in minimal to moderate increase in administrative burden upon prison personnel who may be required to address problems associated with a more difficult to manage group of inmates.

AOC reports new laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts requiring additional resources to handle the increase.

PDD states legislation resulting in increased sentences always create the possibility that more criminal defendants will proceed to trial instead of accepting a plea offer. PDD reports this will result in an increased caseload and additional court time for the department's attorneys. PDD also states because of the severity of the sentence, sentences resulting in the imposition of life or life without the possibility of parole will be appealed, possibly increasing appellate caseload for the department, the Attorney General's Office, and the appellate courts.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation is a duplication of Senate Bill 468; however, Senate Bill 468 has a different short title of "No Parole for Life Imprisonment." The proposed legislation is also a companion to Senate Bill 467.

OTHER SUBSTANTIVE ISSUES

PDD notes the companion bill Senate 467 amends Section 31-18-23 NMSA 1978 to add additional convictions for which a defendant may receive a life sentence. PDD states Senate Bill 467 would greatly increase the number of offenses included under the definition of violent felony.

RPG/nt