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FISCAL IMPACT REPORT

ORIGINAL DATE 2/08/2007

SPONSOR Berry LAST UPDATED 2/26/2007 HB 762/aHCPAC

SHORT TITLE Remove Crime of Harboring a Felon Exceptions SB _____

ANALYST Schuss

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 New Mexico Corrections Department (NMCD)
 Administrative Office of the District Attorney (AODA)
 Public Defender Department (PDD)

SUMMARY

Synopsis of HCPAC Amendment

The amendment proposed by the House Consumer and Public Affairs Committee reinstates the brother and sister exception to the crime of harboring or aiding a felon and adds an age requirement. HB 762 now reads as follows:

Harboring or aiding a felon consists of any person, not standing in the relation of husband or wife, parent or grandparent or child or grandchild *brother or sister under the age of eighteen* by consanguinity or affinity, who knowingly conceals any offender or gives the offender any other aid, knowing that the offender has committed a felony, with the intent that the offender escape or avoid arrest, trial, conviction or punishment.

Synopsis of Original Bill

House Bill 762 amends Section 30-22-4 NMSA 1978 to remove the brother or sister exception to the crime of harboring or aiding a felon.

SIGNIFICANT ISSUES

PDD notes that in the case of *State v. Lucero*, 88 N.M. 441, 541 P.2d 430 (1975), the Supreme Court held that this statute's exemption of those standing in close relationship to a felon from scope of the statute did not violate equal protection since these classifications are reasonable. It is unclear why those related as brother or sister will now be removed from the exemption.

AODA states that currently there are relatively few prosecutions under this statute because of the requirement that the person being prosecuted must do the harboring knowing that the offender has actually committed a felony.

BS/csd