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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/8/07

SPONSOR     Powdrell-Culbert     LAST UPDATED \_\_\_\_\_ HB     942    

SHORT TITLE     Review Law Enforcement Bias-Based Policies     SB \_\_\_\_\_

ANALYST     Peery-Galon    

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NA	\$150.0	Non-recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From

Department of Public Safety (DPS)  
 New Mexico Corrections Department (NMCD)  
 New Mexico Sentencing Commission (NMSC)

No Responses Received From

Administrative Office of the Courts (AOC)  
 Governor's Office  
 Department of Transportation (DOT)  
 NM Municipal League (NMML)  
 NM Association of Counties (NMAC)

### SUMMARY

Synopsis of Bill

House Bill 942 appropriates \$150.0 from the general fund to the New Mexico Sentencing Commission to contract for a study of bias-based policing on a statewide basis. The study is to include an examination of all available data regarding motor vehicle stops and arrests by law enforcement agencies; complaints against law enforcement agencies and officers; monetary settlements of complaints against law enforcement agencies; and other information available that is necessary to attain a full understanding of bias-based policing incidents and practices.

**FISCAL IMPLICATIONS**

The appropriation of \$150.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

NMSC reports the commission staff feels it can conduct and complete this study with the funding provided in the proposed legislation.

**SIGNIFICANT ISSUES**

DPS states the study will provide a tool to determine compliance with enforcement of federal, state and local laws, as well as needs for training and development of necessary policies and procedures related to anti-discrimination issues.

NMCD states in regards to the reference of “bias-based policing”, the department is not a police force. NMCD reports pursuant to Section 33-1-10 NMSA 1978, the department employees’ authority to act as peace officers is limited to inmates, probationers and parolees within the department’s custody or supervision. NMCD notes the department is not a traditional law enforcement agency, as it only has authority over individuals convicted of crimes.

**PERFORMANCE IMPLICATIONS**

The proposed legislation will assist the commission in achieving its performance measure “number of research projects completed.” The fiscal year 2006 actual for this performance measure was 14 and the fiscal year 2007 target is 11.

**OTHER SUBSTANTIVE ISSUES**

DPS states the basis of the study should be to assist law enforcement in the reinforcement and compliance of properly enforcing laws at all levels and to provide education with deficiencies in training related to the issues surrounding the study.

RPG/nt