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## FISCAL IMPACT REPORT

**SPONSOR** House Consumer and Public Affairs Committee     
**ORIGINAL DATE** 2/15/07     
**LAST UPDATED** 3/08/07     
**HB** 1066/HCPACS  
**SHORT TITLE** Deadly Weapons While Trafficking Drugs     
**SB** \_\_\_\_\_  
**ANALYST** Peery-Galon

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From

- Administrative Office of the Courts (AOC)
- Department of Public Safety (DPS)
- Administrative Office of the District Attorneys (AODA)
- New Mexico Sentencing Commission (NMSC)
- New Mexico Corrections Department (NMCD)

No Response Received From

- Public Defender Department

### SUMMARY

Synopsis of Bill

The House Consumer and Public Affairs Committee Substitute for House Bill 1066 creates a new section of Chapter 30, Article 7 NMSA 1978 that states unlawful carrying of a firearm while trafficking a controlled substance consists of carrying a loaded firearm while violating the provisions of Section 30-31-20 NMSA 1978. Whoever commits the unlawful carrying of a firearm while trafficking a controlled substance is guilty of a third degree felony.

### FISCAL IMPLICATIONS

NMCD states it is difficult to estimate just how many drug traffickers unlawfully carry loaded firearms. The number of new convictions will have an impact on the Corrections Department's prison population and probation/parole caseloads. 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 there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. AOC reports any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and appeals from convictions.

### **SIGNIFICANT ISSUES**

AOC notes that as penalties increase, potential imprisonment tends to inspire defendants to retain attorneys and demand jury trials. Indigent defendants are entitled to public defender services.

DPS notes the proposed legislation is in line with the department's and governor's initiatives. DPS states the proposed legislation will assist in prosecution and additional charges and jail time for offenders involved in drug-related charges.

AODA states the proposed legislation is significant because it is increasingly difficult to get the federal government interested in drug prosecutions unless the quantity of drugs involved is simply staggering due to new pressures on U.S. Attorneys Offices nationwide to prioritize homeland security prosecutions. AODA reports situations in which drug traffickers are armed poses a greater threat to the safety of law enforcement and the general public than do situations in which traffickers are not armed.

### **PERFORMANCE IMPLICATIONS**

AOC states the proposed legislation may have an impact on performance measures pertaining to cases disposed of as a percent of cases filed and percent change in case filings by case type.

### **ADMINISTRATIVE IMPLICATIONS**

NMCD states the department may have to hire new full-time-equivalent positions if the prison population and probation/parole caseloads increase due to the new felony conviction that would be created by the proposed legislation.

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

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The proposed legislation has relationships with House Bill 588, House Bill 586, House Bill 658, House Bill 1114, Senate Bill 111, Senate Bill 167, Senate Bill 168, and House Bill 1066. These bills deal with issues regarding firearms and concealed handguns.