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FISCAL IMPACT REPORT

ORIGINAL DATE 3/7/07

SPONSOR Hall LAST UPDATED _____ HM 71

SHORT TITLE Study Aggravated Stalking as Sex Offense 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

LFC Files

Responses Received From

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

No Response Received From

Children, Youth and Families Department

SUMMARY

Synopsis of Bill

House Memorial 71 requests the New Mexico Sentencing Commission to study the feasibility and appropriateness of including as a sex offense, subject to the Sex Offender Registration and Notification Act, the crime of aggravated stalking when the victim is less than 16 years of age. The New Mexico Sentencing Commission is to report its findings and conclusions, and propose legislation if appropriate, to the appropriate interim legislative committee dealing with corrections by October 1, 2007.

SIGNIFICANT ISSUES

NMCD notes the memorial could ultimately result in aggravated stalking of a victim less than 16 years of age being defined as a sex offense. Convicted sex offenders are subject to the law requiring they be placed on supervised probation or parole for 5 to 20 years. Most convicted offenders are only placed on parole for one or two years, and the probation period for most

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convicted offenders is five years or less. NMCD reports that sex offenders on parole or probation are generally placed on intensive supervision status by the department.

NMCD notes that after five years on probation or parole, the state must prove and continue to prove every two and one half years that the sex offender should remain on probation or parole. NMCD states the more crimes designated as sex offenses, the more time and resources that will be needed to prove that the sex offenders should remain on probation or parole. The annual cost per client in probation and parole for a standard supervision program is \$1,467 per year and for an intensive supervision program is \$3,383 per year.

ADMINISTRATIVE IMPLICATIONS

NMSC reports the commission is capable of performing this study using existing staff, including University of New Mexico undergraduate and graduate students, for the research.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The memorial has a relationship to House Bill 769.

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