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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/1/07

SPONSOR McSorley LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Enforcement of Domestic Violence Orders SB 177

ANALYST Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$0.1	\$0.1		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Office of the Attorney General (OAG)  
Public Defender Department (PDD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 177 enacts The Uniform Interstate Enforcement of Foreign Domestic Violence Protection Orders Act. It provides for enforcement by New Mexico courts and law enforcement of valid foreign protection orders through establishment of uniform procedures. The bill provides immunity from civil and criminal liability to law enforcement, state officials and local officials involved in enforcement under the Act

SB 177 provisions include:

- Judicial enforcement of order. Courts must enforce the terms of valid protection orders of other states as if they were entered by the enforcing state, until the order expires.
- Terms of the order. All terms of the order are to be enforced, even if the order provides for relief that would be unavailable under the laws of the enforcing state. Terms that concern custody and visitation matters are enforceable if issued for protection purposes and if the order meets the jurisdictional requirements of the enforcing state.

Terms of the order with respect to support are enforceable under the Uniform Interstate Family Support Act.

- Non-judicial enforcement of the order. A law enforcement officer, upon finding probable cause that a valid order has been violated, must enforce the order as if it were an order of the enforcing state.
- Registration of order. An individual may, but is not required to, register as foreign protection order with the enforcing state. Registration will help set aside possible challenges to an order as well as facilitate effective enforcement of an order.
- Immunity. Law enforcement officers, governmental agencies, prosecuting attorneys clerks of court, or other officials are protected from civil and criminal liability for enforcement of a protection order in good faith.

## **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

## **SIGNIFICANT ISSUES**

This bill duplicates existing law in New Mexico. Foreign protection orders are already enforced in New Mexico through the Family Violence Protection Act, §40-13-1 (NMSA 1978). The proposed legislation does repeal the one portion of the Family Violence Protection Act that would create conflict between the two statutory provisions.

This is a draft bill created by the National Conference of Commissioners on Uniform State Laws (NCCUSL) to ensure that domestic violence protection orders are enforceable from state to state. According to its website, this draft law has been adopted by 17 states ([www.nccusl.org](http://www.nccusl.org)). At least one other state is considering this legislation this year.

According to NCCUSL, this Act establishes uniform procedures that will enable courts to recognize and enforce valid domestic protection orders issued in other jurisdictions. Uniformity will enable courts around the country to treat such cases consistently, thereby better serving the needs of victims of domestic violence.

## **ADMINISTRATIVE IMPLICATIONS**

There may be an administrative impact on the courts as the result of an increase in caseload and in the amount of time necessary to dispose of cases.

DW/nt