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FISCAL IMPACT REPORT

ORIGINAL DATE 2/07/07

SPONSOR Grubestic LAST UPDATED _____ HB _____

SHORT TITLE Drug Distribution in School Zones SB 362

ANALYST C. Sanchez

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)
 Department of Corrections (DC)
 Public Defender (PD)
 Department of Education (DOE)

SUMMARY

Synopsis of Bill

Senate Bill 362 amends Section 30-31-22 of the Controlled Substances Act so that private property that is residentially zoned or used primarily as a residence is excluded from the enhanced penalties that are assessed for violations of the Controlled Substances Act committed within a drug-free school zone.

FISCAL IMPLICATIONS

To the extent that the bill leads to a few less convictions, it would slightly decrease the prison population and probation/parole caseloads.

The contract/private prison annual cost of incarcerating an inmate is \$23,867 per year for males. The cost per client to house a female inmate at a privately operated facility is \$21,651 per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility.

The cost per client in Probation and Parole for a standard supervision program is \$1,467 per year. The cost per client in Intensive Supervision programs is \$3,383 per year. The cost per client in department-operated Community Corrections programs is \$3,503 per year. The cost per client in privately-operated Community Corrections programs is \$7,917 per year. The cost per client per year for male and female residential Community Corrections programs is \$39,401.

SIGNIFICANT ISSUES

A “drug-free school zone” is “a public school or property that is used for public school purposes and the area within one thousand feet of the school property line, but it does not mean any post-secondary school”. NMSA 1978, § 30-31-2(Y) (2005). The purpose of establishing drug-free school zones was to reduce the presence of drugs on or near school property; to protect children – not to punish individuals who distribute controlled substances at a private residence. Removing the above-mentioned language from Subsection D in 2006 conflicted with the meaning and purpose of drug-free school zones. Adding the language back comports with the meaning and purpose of drug-free school zones.

OTHER SUBSTANTIVE ISSUES

The significant aspect of the bill to the Corrections Department is that it could lead to a few less drug trafficking convictions. This could lead to a slightly decreased prison population and slightly decreased probation/parole caseloads. It is doubtful that the bill would ever lead to more than just a very few less convictions.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Private property residentially zoned or used primarily as a residence will not be excluded from the definition of “drug-free school zones” within the offense of distribution of a controlled substance.

POSSIBLE QUESTIONS

Does SB 362 support the meaning and purpose of drug-free school zones?

CS/csd