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FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/07

SPONSOR McSorley LAST UPDATED _____ HB _____

SHORT TITLE Court Protection Orders Database SB 596

ANALYST Hanika Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$.1 see narrative			Recurring	Local governments

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 596 amends Section 40-13-6 of the Family Violence Protection Act (FVPA) by enacting a requirement that law enforcement agencies enter orders of protection into the National Crime Information Center's (NCIC) protection order database. If the order does not meet NCIC criteria, it shall be entered into a local database that is accessible on a 24 hour basis.

FISCAL IMPLICATIONS

There will be an additional undetermined operating budget impact for local law enforcement agencies due to training and system requirements to fulfill the provisions within the bill.

SIGNIFICANT ISSUES

The mandatory requirement enacted by SB 596 will apply to orders of protection issued to qualifying "household members" under the FVPA only. Non-household members securing protection by way of civil injunction will not have their order subject to the mandatory data entry provision in the bill. The AGO states that NCIC data entry is significant in that it promotes Full Faith and Credit enforcement by foreign jurisdictions, should the petitioner travel or reside outside the jurisdiction granting the order. Statewide, officers consult NCIC to confirm the validity of orders.

PERFORMANCE IMPLICATIONS

The bill does not set a time frame or other minimum criteria for law enforcement to enter the order of protection into the database. It is unknown whether local databases are currently in existence, operational, and have sufficient resources to be accessible at all times.

ADMINISTRATIVE IMPLICATIONS

The Second Judicial District Court, AOC, Department of Public Safety, Bernalillo County sheriff, and city of Albuquerque are developing a pilot project to electronically transmit protection orders. This will eliminate data entry by law enforcement agencies, and should ease the process of entering these orders into the appropriate tracking database.

TECHNICAL ISSUES

AGO notes that an “order of protection” as defined within the FVPA “means a court order granted for the protection of victims of domestic violence”. SB 596 does not specifically identify or exclude which orders of protection shall be entered. It is also unknown whether data from temporary orders and/or stipulated orders is to be entered.

AHO/csd