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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/08

SPONSOR Chasey LAST UPDATED _____ HB 104/aHJC

SHORT TITLE Murder Victim Family Member Reparations SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$500.0	Recurring	General Fund
	\$1,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY08	FY09	FY10		
	\$500.0		Recurring	Crime Victims Reparation Fund
	\$1,000.0		Recurring	Murder Victim Family Services Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Crime Victims Reparation Commission (CVRC)
 Administrative Offices of the Courts (AOC)
 Children, Youth and Families Department (CYFD)
 Administrative Offices of the District Attorneys (AODA)

No Responses Received From

State Treasurer

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment of House Bill 104 removes the line-through “director” on page 10, line 8.

Synopsis of Bill

House Bill 104 amends the Crime Victims Reparation Act to permit the Crime Victims Reparation Commission to order payment of reparation in the amount of \$10,000 to a deceased victim’s dependents or children for the loss of a parent to murder when a child is less than 26 years of age at the time of the loss. Payment is to be made even when the total award of reparation would be in excess of the \$20,000 cap on awards. The proposed legislation defines “child” to include a stepchild or adopted child, and defines “parent” as natural parent, adoptive parent or stepparent.

House Bill 104 creates the Murder Victim Family Services Fund to allow for the awarding of grants to nonprofits for the provision of cost-effective services, victim advocacy, support and educational programs to children and adults who have lost a person within their family relationship group to murder. The Crime Victims Reparation Commission is required to adopt rules on qualifications for grants and must specify the format, procedure and deadlines for grant applications.

House Bill 104 appropriates \$500.0 from the general fund to the Crime Victims Reparation Fund to provide reparation to children of murder victims pursuant to the Crime Victims Reparation Act, and appropriates \$1,000.0 from the general fund, for expenditure in fiscal year 2009 and subsequent fiscal years, to the Murder Victim Family Services Fund for awarding grants to nonprofit organizations for services, victim advocacy, support and educational programs to persons who have lost a person within their family relationship group to murder and for administration of the fund.

FISCAL IMPLICATIONS

The appropriation of \$500.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

The appropriation of \$1,000.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

Continuing Appropriations

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

CVRC states both of the programs in the proposed legislation would cost a total of \$1.5 million a year.

AOC states there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to a potential increase in commenced prosecutions for knowingly making a false claim or a fake statement in connection with a claim filed pursuant to the Crime Victim Reparation Act.

SIGNIFICANT ISSUES

CVRC states survivors of homicide do not have services available to them compared to other crime victims. Homicide survivors have special needs that other victims do not have. CVRC notes these grant funds could be used to establish services to survivors throughout New Mexico.

AOC notes that Section 31-22-20 NMSA 1978 provides that knowingly making a false claim or a false statement in connection with a claim filed pursuant to the Crime Victims Reparation Act is a fourth degree felony.

PERFORMANCE IMPLICATIONS

AOC notes the proposed legislation may have an impact on the measures of the district courts in the following areas: cases disposed of as a percent of cases filed and percent changes in case filings by case type.

ADMINISTRATIVE IMPLICATIONS

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

TECHNICAL ISSUES

CVRC notes the House Judiciary Committee amendment of House Bill 104 addresses its concern on the removal of language “director of the commission.”

CVRC recommends on page 10, line 8, removing a strike through the language “director of the commission.” CVRC notes the director is a vital part of the preliminary award function of the commission.

AODA recommends on page 1, line 24 after the word “a” and before the word “stepchild” add the word “natural child, a”. Also, AODA questions whether on page 11, lines 15 and 16, if the amount of the fund used for administration should be limited to a percentage of the total amount of the fund.

RPG/nt:mt