

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 01/21/08

SPONSOR Rodella LAST UPDATED _____ HJM 9

SHORT TITLE Study Technology Used In Stalking Crimes SB _____

ANALYST Escudero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

Department of Public Safety (DPS)

Administrative Office of the DA (AODA)

SUMMARY

Synopsis of Bill

This Joint Memorial requesting that a task force be convened to study the use of technology in the commission of stalking crimes and to make recommendations.

- The state of New Mexico has a compelling duty and interest to protect its citizens from stalking crimes.
- Advances in technology now make it possible for a stalker to use computers, the internet, global positioning devices and other electronic means to stalk, frighten, intimidate or threaten a victim.
- Advances in technology also make it possible to commit identity theft, interfere with a victim's credit and impersonate a victim in connection with stalking.
- New Mexico's criminal laws are outdated, in that the law does not address cyber stalking or the use of technology in stalking.
- The State of New Mexico and the Secretary of Public Safety be requested to convene a task force to study the use of technology by stalkers, with the purpose of developing legislation to adequately protect New Mexicans from the crime of stalking.

House Joint Memorial 9 – Page 2

- The task force consist of the Secretary of Public Safety, or the Secretary's designee; the Attorney General, or the Attorney General's designee; a Representative of Municipal Law Enforcement, appointed by the New Mexico Municipal League; a Representative of County Law Enforcement, appointed by the New Mexico Association of Counties; a Representative of the District Attorney's Office; a Representative of the Public Defender Department; and additional members as deemed necessary by the task force.
- The task force reports its findings and recommendations, including any recommendations for proposed legislation, to The Governor, The Information Technology and Telecommunications Oversight Committee and any other appropriate interim legislative committee no later than November 1, 2008.
- Copies of this memorial will be transmitted to the Secretary of Public Safety, the Attorney General, the New Mexico Municipal League, the New Mexico Association of Counties, the Administrative office of the District Attorneys and the Public Defender Department.

FISCAL IMPLICATIONS

- According to PDD the fiscal implication is indeterminate at this time.
- The AODA states that Passing House Joint Memorial 9 would not have any significant fiscal impact. The memorial calls for convening a task force of representatives from various public agencies to study the use of technology by stalkers and to draft proposed legislation. No additional personnel would be required to convene the task force or prepare the study.

SIGNIFICANT ISSUES

- According to the DPS, technology has evolved at an extremely fast pace. Most legislation created regarding stalking was created before much of this has developed. A task force report could possibly recommend several criminal code updates to address out dated crimes.
- The AODA states that computer crimes in general are increasing. Advances in technology and increased access to the internet have created more opportunities for crime to be committed using computers, such as cyber stalking, identity theft, and computer-distributed child pornography. Both children and adults in New Mexico have been victimized by such crimes. It is important that New Mexico laws be kept up to date as technology progresses and criminals discover new ways to prey upon the state's citizens.

PERFORMANCE IMPLICATIONS

In addition, DPS states that the Criminal enforcement of stalking crimes is a major responsibility and priority of all law enforcement, not just DPS. Updating the criminal code would be beneficial to all. Participating in task force would have minimal impact to DPS.

RELATIONSHIP

According to PDD this is related to New Mexico's existing stalking laws. See NMSA 1978 § 30-3A-1 through § 30-3A-4.

ALTERNATIVES

The AODA states that individual agencies, or one agency such as the attorney general's office, could draft proposed legislation. A joint task force appears preferable, in order to obtain the benefit of the insight of the various agencies who will be responsible for enforcing the legislation, if enacted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

- Per PDD the New Mexico current stalking laws will remain in effect.
- Per DPS it would be unknown if there are needs to update the criminal code to keep up with technology.
- Per AODA, ultimately, it will be necessary to update New Mexico's laws relating to computer crime. Creating a task force may help avoid the piecemeal approach which in the past has occasionally resulted in the need to immediately revise new legislation. Creating a task force now to draft proposed legislation for 2009 should permit more careful drafting of the new statutes.

PME/bb