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FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/09

SPONSOR William LAST UPDATED _____ HB 23

SHORT TITLE Carrying a Firearm While Trafficking Drugs SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB22

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Corrections Department (CD)
 District Attorneys (DA)

SUMMARY

Synopsis of Bill

House Bill 23 makes it unlawful to carry a firearm while trafficking a controlled substance, establishing it as a new third degree felony. The crime consists of carrying of a loaded firearm while trafficking a controlled substance in violation of Section 30-31-20 NMSA 1978.

FISCAL IMPLICATIONS

The Corrections Department relates that a possible rise in its costs could occur if the bill were to add to its inmate population.

SIGNIFICANT ISSUES

The district attorneys submit that the bill gives a valuable prosecution avenue that may not require witnesses other than law enforcement to testify, thus increasing the likelihood that the relevant witnesses will not be of a nature to be intimidated. It is a victimless crime frequently

committed by recidivist, violent, and gang offenders, and would give us more leverage in controlling criminals' behavior and keeping guns out of their hands.

PERFORMANCE IMPLICATIONS

District attorneys suggest that their ability to control the criminal element will increase because they will be able to proceed on cases without concern over losing a victim or not having witnesses other than law enforcement and court records. Public safety will increase, with fewer guns in the hands of our proven felons.

The Corrections Department contends that this bill would negatively impact its ability to perform prison-related and probation/parole supervision services (with current levels of staffing) if there were more than just a few additional convictions.

ADMINISTRATIVE IMPLICATIONS

Corrections Department also adds that if the bill passes and it substantially increases the inmate population or probation/parole caseloads, it would increase the workloads of current prison and probation/parole staff. Individuals convicted of this crime would be more likely to need intensive supervision by probation/parole staff, and that higher level of supervision is more time consuming and more expensive to provide.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 22 relates to this bill in that it establishes a lifetime ban on possession of a firearm for a felon.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Prosecutors, according to the district attorneys, will continue to be hampered in their efforts to control the behavior of their most serious and recidivist offenders, who often can escape prosecution for long periods of time but are still known to be dangerous or have longstanding problems with law enforcement.

EO/mt