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FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/09

SPONSOR Rehm LAST UPDATED _____ HB 24

SHORT TITLE Sex Offender Registration with Phone Numbers SB _____

ANALYST Weber

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	See narrative	See narrative	See narrative	See narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 New Mexico Sentencing Commission (NMSC)
 New Mexico Corrections Department (NMCD)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 24 requires a person that must register under the Sex Offender Registration and Notification Act (SORNA) to include telephone numbers, pager numbers, email addresses and screen names with registration information. The bill would also require that a registrant provide written notice within 10 days if the registrant changes or adds: (1) names or aliases; (2) current address; (3) place of employment; and (4) telephone numbers, pager numbers, email addresses and screen names.

In addition the bill makes changes to pronouns so the offenders' sex is not gender specific.

FISCAL IMPLICATIONS

The New Mexico Corrections Department offers the following regarding fiscal impact.

SORNA already indicates that it is a felony for a sex offender to willfully or knowingly fail to comply with all registration requirements or to willfully or knowingly provide false registration information. Since it is likely that at least some sex offenders will provide no or incomplete registration information or false registration information regarding their phones and e-mails, this may lead to a minimal to moderate number of new convictions.

These additional felony convictions resulting from this bill will increase the Department's costs by leading to minimal to moderate increases to the inmate population and probation/parole caseloads. The bill seems unlikely to lead to a substantial number of new convictions, or to result in a substantial increase in the Department's inmate population or probation/parole caseloads. However, it is always difficult to predict or estimate with certainty the ultimate effect of any bill that is likely to result in additional felony convictions. There is no appropriation in the bill to the Department to cover all or any of the Department's increased costs associated with the bill.

The contract/private prison annual cost of incarcerating an inmate is \$27,761 per year for males. The cost per client to house a female inmate at a privately operated facility is \$31,600 per year.

The cost per client in Probation and Parole for a standard supervision program is \$1,205 per year. The cost per client in Intensive Supervision programs is \$3,848 per year. The cost per client in Community Corrections is \$3,830 per year. The cost per client per year for male and female residential Community Corrections programs is \$25,161.

There may be some minimal increases in the Department's revenue (caused by a minimal amount of revenue generated by the supervision fees paid by offenders placed on probation or parole after being convicted of providing no, incomplete or false registration information).

The New Mexico Sentencing Commission adds that expanding registration requirements will increase information that the county sheriffs must input and verify, and may increase workloads of District Attorneys, Public Defenders and courts.

SIGNIFICANT ISSUES

The New Mexico Sentencing Commission notes the following:

The term "screen name" (P. 2, line 23) is undefined and may be unconstitutionally vague. It is unclear what a "screen name" is. Does this apply to internet applications, all electronic communications media or non-electronic media?

This bill requires that a person provide telephone numbers and pager numbers that the person "uses", whether or not the accounts are in the offender's name. "Uses" is undefined and extremely broad, and may be unconstitutionally vague.

The bill would require that a registrant provide written notice within 10 days if the registrant changes or adds: (1) names or aliases; (2) current address; (3) place of employment; and (4) telephone numbers, pager numbers, email addresses and screen names. Current law provides only that the registrant must provide written notice within 10 days of a change of address.

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The additional information would not be included on the public website, but would only be available to law enforcement.

MW/svb